

Revision Date:
07/01/13

CHAPTER 6

SUPERVISION

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Chapter: Supervision

Subject: Interviewing

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.01 GENERAL STATEMENT

Interviewing is the purposeful interaction of persons to aid the offender in understanding self, to aid the agent in understanding the offender, and/or to assist the agent in modifying the offender's behavior. Interviewing is a requisite skill of an agent, and the ability to interview effectively cannot be over-emphasized. All agents are encouraged to continually review and refine skills and techniques in this area.

.02 PURPOSE

It is necessary that the agent determines the purpose of each interview in advance, though be flexible in the interview situation. The purpose of the interview may vary, depending on the circumstances, but in each instance, it is necessary that the agent prepare for the interview. Purposes may include:

- Information gathering
- Investigating
- Confronting
- Encouraging
- Directing
- Counseling

In many instances, the purpose of the interview may change during the course of the interview. For instance, during a counseling interview, an offender may offer information regarding a violation. The nature of the interview then becomes investigative. The agent is required to seek a full statement from the offender, potentially using elements of confrontation. Any confrontation, for the agent's safety, should be confined to the agent's office or a detention facility. Depending upon the nature of the violation, the agent may then use directive components in resolving the violation situation.

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Subject: Interviewing

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.03 QUALITIES

Upon determining the purpose of the interview, the skilled interviewer reflects the following qualities:

- Allows the interviewee to talk - because the interview is an interaction, it is not only necessary, but preferable, that the interviewee do the majority of the talking
- Interest - the agent should appropriately reflect an active interest in what is being said
- Empathy - the agent should attempt to understand the circumstances of the interviewee
- Guidance - the agent should maintain the direction of the interview, but allow for relevant detail or diversion
- Specificity - the agent should be mindful of the information needed for the interview being conducted and seek this information in detail, including times, dates, places, persons, and reasons.

Division of
Community Corrections

Chapter: Supervision

Subject: Offender Contacts

Date: 05/25/12 Page 1 of 2

.01 AUTHORITY

Wisconsin Administrative Code DOC 328.04(4)(a)-(c)

.02 GENERAL STATEMENT

Effective and meaningful supervision requires that agents have regular face-to-face contact with offenders. Such contact may occur in a variety of places including the agent's office, the offender's home, or place of employment.

.03 STANDARDS

The classification system establishes standards for the frequency of face-to-face contacts between offenders and representatives of the department. Whenever feasible, the department's representative will be the offender's agent of record. If the agent of record is not available, the department's representative may be another agent, field supervisor, or an approved correctional officer or intern. The minimum standards for each level of supervision are:

<u>Enhanced Supervision</u>	-	Once every 7 days
<u>Intensive/Sex offender</u>	-	Once every 7 days
<u>Maximum</u>	-	Once every 14 days
<u>Medium</u>	-	Once every 30 days
<u>Minimum</u>	-	Once every 90 days
<u>Administrative</u>	-	Once every six months

If a required face-to-face contact is not made by an approved representative of the department, the agent of record must discuss appropriate action with his/her supervisor.

.04 RECORDING

Information concerning all offender contacts must be recorded by the agent in COMPAS Notes or the Chronological Log (DOC-90) for offenders not entered into COMPAS. Once an offender is in the COMPAS track, recording of pertinent case activity will take place in the COMPAS Notes. Chronological logs for these offenders will no longer be completed in the Groups Folders.

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Chapter: Supervision

Subject: Offender Contacts

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.04 RECORDING (continued)

Routine contacts are to be entered within three working days. Critical contacts (i.e., violations/apprehensions, law enforcement or victim contacts) are to be entered no later than the end of the next business day. The entries should include information on any problems, issues, progress on the case plan or events in the offender's life, as well as any notable aspects of the offender's behavior during the contact.

There are four types of notes that will be utilized:

General Notes - Entries under this type of note will be related to any general documentation of case activity that is NOT directly related to the assessment or case plan.

Assessment Notes - Entries under this type will include anything related specifically to the assessment only.

Case Notes - Entries under this type will include ongoing updates related to progress (or lack thereof), completion, or modification to the unified case plan, but will NOT include information provided directly by program providers. The Case Notes section is utilized during every meeting with the offender in order to document the ongoing, collaborative case planning process.

Program Notes - Entries under this type will include information provided directly from program providers by phone, mail, e-mail, in person, etc.

If contact is made by someone other than the agent of record, the COMPAS Note or Chronological Recording must indicate the name of the staff having the contact.

Division of
Community Corrections

Chapter: Supervision

Subject: Home Visit

Date: 10/05/05 Page 1 of 3

.01 AUTHORITY

Wisconsin Administrative Code DOC 328.04(a)-(c)

.02 GENERAL STATEMENT

A home visit is a scheduled or unscheduled visit to an offender's reported residence/property where the offender resides. Entry into the residence/property shall be made unless access is refused (See 06.03.07) or if it does not appear that anyone is at home. Detention facilities and inpatient treatment facilities are not considered a residence for purposes of this section.

.03 PURPOSE

The purpose of a home visit should be clearly identified in the case notes. The agent will address the frequency of the visit and the purpose of the visit.

During the home visit, relevant elements of the case plan should be addressed by the agent, and documented in the case notes.

The purpose of a home visit may include the following:

- Residence verification
- Information gathering
- Assessment of offender environment
- Familiarization with family members/significant others residing at the offender's reported residence
- Counseling or treatment
- Addressing other court/agent ordered conditions of supervision

.04 BASIC REQUIREMENTS

Requirements for the frequency of home visits vary according to the level of supervision assigned to each offender. Unless the home visit requirement is waived or modified in writing by the supervisor, home visits must be conducted as follows:

<u>Supervision Level</u>	<u>Minimum Home Visit Requirement</u>
Enhanced Supervision	Once every 30 days
Intensive/Sex Offender (INT/SO)	Once every 30 days
Maximum (MAX)	Once every 30 days
Medium (MED)	Once every 60 days
Minimum (MIN)	As Appropriate
Administrative (ADS)	As appropriate

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Chapter: Supervision

Subject: Home Visit

Date: 07/15/10 Page 2 of 3

.04 BASIC REQUIREMENTS (continued)

A home visit is required within 30 days of being received on supervision, and each time the offender changes residence. Home visits shall not be waived in these instances except as approved by the supervisor if the offender is in a detention facility or residential treatment facility.

.05 HOME VISIT PLANNING

Agent safety is of primary concern. In an effort to enhance safety, a home visit itinerary shall be provided to the supervisor or designee prior to the agent's leaving the office. The names and addresses of the offenders' homes where visits are planned shall be included on the itinerary, along with anticipated return time. The itinerary may be completed via the residence list in OATS, with the offender names highlighted, or may be completed via the Home Visit Itinerary (DOC-2294). To further enhance safety, staff is encouraged to utilize office cell phones or other means of communication while conducting home visits.

In order to accomplish home visits in a safe manner and enhance offender employment opportunities or treatment, non-traditional work hours, with supervisory approval, may be necessary or required.

.06 WAIVERS

When requesting a home visit modification or waiver, the agent shall submit a Home Visit Waiver (DOC-88) to the supervisor. The DOC-88 must indicate whether modification or waiver is being requested and must include the agent's justification. Factors to be considered in requesting and approving home visit waivers or modifications include the following:

- Stability of residence
- Ongoing collaboration with another agency
- Ability to verify residence by other means
- Offender has no permanent residence
- Favorable supervision adjustment
- Accessibility of residence
- Agent workload
- Potential danger to the agent
- Offender is serving county jail term
- Offender is in residential treatment/halfway house

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Chapter: Supervision

Subject: Home Visit

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.06 WAIVERS (continued)

If the home visit modification or waiver is approved, the DOC-88 is retained in the case file, with a notation of the waiver made in the case notes.

Home visit waivers are not absolute and cannot be authorized for longer than 6 months. Subsequent waivers may be issued as provided in this Chapter. Waivers shall be reassessed with the supervisor if the offender changes residence, there is an increase in the supervision level, or the factors used to justify the waivers have changed.

Home visits can only be waived for offenders classified as INT/SO or Enhanced Supervision if the offender is in a detention or residential treatment facility.

Home visits should not be waived if the offender is on supervision for Child Abuse or Neglect, or if the offense included behavior which impacted the health or welfare of a child(ren) or other vulnerable populations (i.e., elderly, mentally challenged) unless the offender is in a detention or residential treatment facility.

In all other cases, except as provided in 06.03.04, the home visit requirement may be waived or modified by the agent's supervisor. The justification for this must be reviewed at the time of each reassessment.

.07 REFUSAL OF ENTRY

If an offender refuses the agent entry into the residence, the offender is to be informed that such refusal is a violation of supervision. If any other occupant of the offender's residence refuses the agent entry, the same warning is to be given to the offender during the next personal contact.

The agent is prohibited from forcibly entering the offender's residence for any purpose.

.08 ATTEMPTED HOME VISIT

If an agent attempts a home visit and no one is home, the attempt must be noted in the chronological recording. The supervisor and agent must then discuss a plan involving a scheduled home visit in order to gain entry to the residence/property.

.09 OUT OF STATE OFFENDERS

All offenders residing out of state and being supervised by Wisconsin shall have all home visits waived.

Division of
Community Corrections

Chapter: Supervision

Subject: Employment Verification

Date: 04/03/03 Page 1 of 2

.01 AUTHORITY

Wisconsin Administrative Code DOC 328.04(4)(a)-(c)

.02 GENERAL STATEMENT

Finding and maintaining employment is a critical success factor in supervision.

Meaningful supervision requires that the agent be aware of an offender's employment status and any change of employment. The offender must report employment on the Offender Report Form ([DOC-8](#)). The offender's failure to provide accurate information on the [DOC-8](#) constitutes a violation of supervision.

Supervision rules require that an offender notify the agent of any employment change within 72 hours. Agents should discuss with the offender that it is good business practice to give their present employer a two-week notice of their intent to change jobs. Should the new job situation become problematic, the offender will then have a greater chance of returning to his/her prior employer.

.03 OTHER MEANS OF VERIFICATION

In addition to relying upon the Offender Report Form, the agent should verify employment by other means such as:

- Contacting the employer
- Visiting the offender on the job
- Requiring the offender to present check stubs

If the offender is self-employed, means of legal income verification include:

- Copies of job contracts and payment receipts
- Copies of quarterly tax statements
- Copies of building/selling permits

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Chapter: Supervision

Subject: Employment Verification

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.04 EMPLOYER NOTIFICATION

The agent must use discretion concerning employer contact. Offenders at times do not tell employers of their past criminal convictions and supervision status as they feel such information may jeopardize their job. In some cases, the agent may determine that contact with the employer is not necessary. However, when the offender's conviction or prior record substantially relates to the conditions of employment, the agent must notify the employer of the offender's supervision status. The employer must be notified by the Department if any offender with an assaultive history is employed in a nursing home, child care center, or hospital.

If an offender is prohibited from possessing a firearm, and they are employed in a position that includes contact with firearms, the agent has an obligation to notify the employer of the offender restrictions. The agent cannot approve employment that places the offender in a situation where the offender would be in violation of the law or in violation of the rules of his/her supervision.

.05 EMPLOYER NOTIFICATION - PUBLIC OR PRIVATE SCHOOL DISTRICT

All public and private school districts will be notified of any school district employee under supervision.

School districts, whether public or private, including Vocational, Technical, and Adult Education (VTAE) districts, shall be notified of any offender currently on supervision who is an employee of the district, offenders employed by contractors working for the school district, or offenders who work on school property. The agent shall discuss an offender who volunteers in any of these educational facilities with the supervisor and determination shall be made as to whether notification is appropriate.

Once the agent becomes aware of an offender whose employment status is covered by this section, the agent shall notify the Superintendent of the school district, or their designee, within seven calendar days. The agent shall send a completed Notice to Employer ([DOC-1532](#)), retaining one copy for the case file. (See sections 03.01.08 and 03.02.06)

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Community Corrections

Chapter: Supervision

Subject: Offender Report Form

Date: 04/03/03 Page 1 of 1

.01 AUTHORITY

Wisconsin Administrative Code DOC 328.04(4)(a)-(c)

.02 GENERAL STATEMENT

All offenders are required to complete and submit an Offender Report Form ([DOC-8](#)) on no less than a monthly basis. Agents should ensure that the form is fully completed, and that the offender signs the form. If necessary, the agent should assist the offender in the preparation of the form.

.03 ACCURACY OF INFORMATION

An offender's failure to provide accurate information on the [DOC-8](#) is a violation of supervision.

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Community Corrections

Chapter: Supervision

Subject: Case Planning

Date: 10/01/12 Page 1 of 1

.01 AUTHORITY

Wisconsin Administrative Code DOC 328.04(1) & 328.04(2)(1)

.02 GENERAL STATEMENT

An individualized case plan must be created for each offender. Periodic modifications will be made to reflect progress, problems, or changes in personal circumstances.

.03 CASE PLANNING PROCESS

During case opening, a case plan must be completed within 30 days in COMPAS for those offenders who only are assessed using the COMPAS Wisconsin Primary Needs. Offenders who are assessed using the COMPAS Core must have a case plan completed within sixty days of the onset of supervision. This case plan is developed using information from the Probation Social Investigation, Presentence Investigation, COMPAS assessment, or other assessment instruments.

Each problem area should have an identified case plan objective. These objectives should be specific, measurable, achievable, realistic, and be time specific and prioritized.

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Subject: Case Reclassification

Date: 10/01/12 Page 1 of 2

.01 AUTHORITY

Wisconsin Administrative Code DOC 328.04(2)(1) and
328.04(4)(d)

.02 GENERAL STATEMENT

It is expected that during the period of supervision, an offender's level of supervision will be reduced as they achieve the goals and objectives identified in the case plan.

Intensive supervision cases are not automatically reclassified. They are reviewed with the supervisor every six months. Enhanced Supervision cases are reduced according to the procedure outlined in 06.43.05. All other cases are reclassified according to the COMPAS Supervision Review Tool (SRT).

.03 CASE RECLASSIFICATION SCHEDULE

The ledgerkeeper, through use of the OATS program, will maintain a schedule, monitor, or amend the monthly reclassifications for each agent and supervisor. The OATS program will generate a reminder to the agent 45 days prior to the due date for any case action.

An agent may complete a Supervision Review Tool any time prior to the scheduled reclassification, at their initiative, or at the direction of the supervisor. Reasons for an early reassessment could include the following:

- Receipt of new, previously unknown, information
- Significant changes in an offender's situation
- Attainment of established case plan objectives

Agents should staff any unscheduled reassessments with their supervisor.

Division of
Community Corrections

Chapter: Supervision

Subject: Case Reclassification

Date: 10/01/12 Page 2 of 2

.04 REASSESSMENT PROCESS

The agent completes the Supervision Review Tool (SRT) according to the DCC Business Process (Appendix A). Modifications in the case plan and any change in classification will be documented. If, after completing the SRT, the agent believes the level indicated does not coincide with the supervision level necessary to achieve the case plan objectives, the agent must request an override from the supervisor.

Enhanced Supervision cases will be reclassified according to the procedure outlined in 06.43.05.

Sex offender level of supervision should be reviewed and, if deemed appropriate, can be reclassified by the agent submitting a Sex Offender Reclassification Checklist (DOC-2065) to the supervisor.

Division of
Community Corrections

Chapter: Supervision

Subject: Case Record Recording

Date: 01/24/07 Page 1 of 2

.01 AUTHORITY

Wisconsin Administrative Code DOC 328.30 (1) (b) - (c)

.02 GENERAL STATEMENT

It is the agent's responsibility to record all activity associated with a case in the offender's case record.

.03 CASE RECORDING

Case notes are maintained by the agent on each offender either in COMPAS or in the chronological log for those offenders as described in the DCC Business Process (Appendix A). The agent must record all contacts with the offender and with any collateral source associated with the case within three business days. Critical incidents, such as violations, apprehensions, police or victim contacts must be recorded no later than the next business day. This includes personal contacts, telephone contacts, or any other type of case-related communication. The case notes must give a description of the nature of each contact. Concise and accurate information is essential. Case notes are the business records of the Department and are to be recorded in a professional manner. It should be noted that these records are subject to release under the open records law. Decisions made regarding case action must be documented in the case notes. Staff shall not express personal opinions regarding case actions, decisions or procedures. If contact is made by someone other than the agent of record, the Chronological Recording must indicate the name of the staff having the contact.

Daily entry of case notes will be made in a folder within the unit's group folders. Electronic chronological forms for each offender will be placed and maintained within the offender sub-folders. This allows other DCC staff to immediately access the most current information or add information in the supervising agent's absence.

Division of
Community Corrections

Chapter: Supervision

Subject: Case Record Recording

Date: 03/04/05 Page 2 of 2

.03 CASE RECORDING (continued)

Case notes shall be printed at the following times:

- Prior to revocation hearing
- Open records request
- As deemed necessary by agent or unit supervisor

.04 CHRONOLOGICAL HISTORY (DOC-24)

A Chronological History (DOC-24) is prepared by the agent when a case is being transferred. This recording is done in a summary style according to the established format in Chapter 16 of this manual.

Additional recording may be completed if deemed necessary.

Division of
Community Corrections

Chapter: Supervision

Subject: Referrals

Date: 01/24/07 Page 1 of 1

.01 GENERAL STATEMENT

When an offender has a special problem or a need, and service is not available through DOC, it may be necessary to refer offenders to other agencies.

.02 REFERRAL PROCEDURE

When specific need areas are identified and a referral is appropriate, it will be documented in the case notes.

The following steps are to be taken when making referrals:

- Discuss referrals with the offender.
- Contact the agency to which the offender is being referred.
- Complete required forms, i.e., Release of Confidential Information ([DOC-1163](#) or [1163A](#)).
- Follow procedure outlined in 06.10 if Purchase of Service funds are involved.
- Make periodic inquiries on offender's progress.
- Periodically review progress with the offender.

.03 PROGRAMMING WITH FAITH/RELIGIOUS/SPIRITUAL COMPONENTS

Agents shall not order an offender to attend a specific program with a religious component including alcohol or drug treatment or a 12 step program. An agent may write a rule requiring an offender to attend and complete AODA treatment without naming a specific program. An agent may also provide an offender with a list of acceptable programs, as long as both secular and non-secular options are clearly identified. If an offender chooses to participate in a program having a religious component, the agent should document in the case notes that a secular program was offered.

Division of
Community Corrections

Chapter: Supervision

Subject: Purchase of Offender
Services and Goods

Date: 09/01/00 Page 1 of 9

.01 AUTHORITY

Wisconsin Statute 301.08
Wisconsin Administrative Code DOC 328.12

.02 GENERAL STATEMENT

The Division of Community Corrections allocates funds to each Region. The Purchase of Service Coordinator has the responsibility to work with Department staff, community agencies and provider agencies to develop and implement a plan for the use of Regional funds. The majority of the funds are used for contracts, which are designed to provide services to respond to the priorities established by the Regions.

The purpose of these funds is to address offender needs that are not met by other community-based public and private programs. Existing community resources should be exhausted prior to requesting the expenditure of funds.

Each Region also has a discretionary share of Purchase of Services funds for emergency and unanticipated offender needs, which the offender cannot afford or that are not covered by their insurance or other funding sources. Use of discretionary "Sundry Funds" for offender purchases may be obtained with approval of the POGS Coordinator or their designee.

Purchase of goods must relate to specific needs arising from the offender's participation in education, treatment, and /or vocational programs or to specific employment situations. Clothing purchases may only be authorized when specialized clothing is required for educational and/or vocational courses or for employment.

Emergency housing or rent may only be authorized for a one (1) month period. Any request for an extension beyond one month must be reviewed by the unit supervisor and approved by the regional chief, with notification to the regional POGS coordinator or designee for tracking purposes.

Division of
Community Corrections

Chapter: Supervision

Subject: Purchase of Offender
Services and Goods

Date: 09/01/00 Page 2 of 9

.02 GENERAL STATEMENT (continued)

Security deposit funds may be authorized from POGS funds. The DOC-501 must document provisions made for return of the deposit to the Department. Agents are responsible to follow on the collection of these funds.

There are limited circumstances when the Division pays for phone installation and basic phone services for offenders who are monitored by EMP. The DCC does not pay for service beyond 90 days, unless there are extenuating circumstances. Any request for an extension beyond 90 days must be reviewed by the Unit Supervisor and approved by the Regional Chief, with notification to Regional POGS Coordinator or designee for tracking purposes.

Funds cannot be used to pay for any services or goods received prior to obtaining a purchase order number. When such services or goods are provided prior to obtaining a purchase order number, the agent may be held personally liable for such costs.

A Request for Purchase of Offender Services and Goods (DOC-501) may not extend beyond the end of the fiscal year, June 30 (fiscal year is July 1 through June 30).

Cash from any Department funds may not be delivered directly to the offender.

No relative of the offender may be a vendor or a payee for services provided to an offender. The definition of a relative is found in s.48.02(15), WI Statutes.

Funds may not be used to provide services to the offender's children or other relatives.

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Community Corrections

Chapter: Supervision

Subject: Purchase of Offender
Services and Goods

Date: 09/01/00 Page 3 of 9

.03 SIMPLIFIED BIDS

Simplified bids are used for purchases of goods and services and may not exceed \$25,000. The POGS coordinator may delegate responsibility for completing these bids to unit supervisors.

Purchases of up to \$5,000 are "best judgment" and must be approved by the POGS Coordinator.

As delegated in each region, an agent or supervisor may carry out the simplified bidding process to select the provider. This requires contacting three or more potential vendors to detail the type, quantity, and specification of the goods or services. The bid must be recorded on the reverse side of the DOC-501. It is advisable to do the bid specifications in writing. All written bids must be reviewed by the POGS Coordinator. Before approving the purchase, a written confirmation of the purchase of goods and services and the total costs from the awarded vendor is required. Service requisitions of \$25,000 or more are handled only by the Regional POGS Coordinator.

.04 PROVIDERS UNDER CONTRACT

The Division must enter a contractual agreement with the provider when the purchase exceeds \$25,000 in a fiscal year. A purchase order number will be assigned and applied to all purchases made under that contract.

Billing and payment for these services are in accordance with the existing contract and the POGS Coordinator or designee handles invoices and payment authorization.

.05 DISCRETIONARY "SUNDRY FUNDS" PROCEDURE

Once an agent determines that a service/good cannot be provided in the community through existing resources, the agent shall consult with the supervisor and obtain approval to request POS funds. The agent shall then contact the POGS Coordinator and /or designee to ensure the purchase is appropriate and funds are available.

Division of
Community Corrections

Chapter: Supervision

Subject: Purchase of Offender
Services and Goods

Date: 09/01/00 Page 4 of 9

.05 DISCRETIONARY "SUNDRY FUNDS" PROCEDURE (continued)

The agent shall then complete the DOC-501 and submit to the POGS coordinator. No single purchase may exceed \$5,000. Unit Supervisors are required to ensure that the expenditure is justified and that it is entered into the offender's case record. The agent shall provide a copy of the DOC-501 to the provider.

.06 SECONDARY VENDOR

There are situations where a provider is unwilling or unable to wait for the Department to reimburse for service or goods. In these instances, another agency or individual may be willing to provide immediate payment, and becomes a secondary vendor. Consult with the regional POGS coordinator for guidance.

.07 MONITORING SERVICES

The agent is responsible for monitoring the receipt of offender services or goods. When appropriate, the agent will arrange with the provider to submit written reports concerning the services rendered.

At 30-day intervals, the agent will verify the receipt of ongoing services and assess whether case plan objectives are being achieved. The verification and review should be documented in the case notes. It can also be entered in the Client Log in the OATS Program.

.08 PAYMENT FOR SERVICES

Within 30 calendar days of the agent's receipt of a completed invoice, the department is required to reimburse the provider

Once the goods/services are received, secure an invoice from the Provider. The agent shall write the purchase order number and the vendor ID number on the invoice. The agent's signature on the invoice verifies that the invoice reflects the actual purchase with the correct purchase price, and that the offender received the goods/services. After

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Chapter: Supervision

Subject: Purchase of Offender
Services and Goods

Date: 09/01/00 Page 5 of 9

.08 PAYMENT FOR SERVICES (continued)

verifying and signing, the agent forwards the original invoice and the original DOC-501 to the Regional POGS Coordinator or designee within 5 working days. A copy of the bill/invoice shall be placed in the offender's file. When the billing for services or goods extends beyond one invoice, the agent shall write on the final billing, "Final Invoice." (NOTE: Rent and escrow can be paid prior to the anticipated service ending date).

The agent shall record receipt of the invoice in the offender's in the case notes.

When the invoice is incomplete, the agent is required to contact the provider to explain the problem and request a completed invoice. If there is a problem, refer to .09 of this chapter, responding to problems.

.09 RESPONDING TO PROBLEMS

In the event of a service delivery, payment or invoice problem, the agent or supervisor should attempt to resolve the problem at the unit level and respond to the provider's request.

If the problem cannot be resolved at the unit level, the supervisor should contact the POGS Coordinator or to discuss the problem.

If the problem cannot be resolved at the Regional level, the POGS Coordinator or designee will contact the DCC Corrections Program Specialist. They will discuss the problem, verify whether DCC Central Office received the invoices, and the status of the payment process. The POGS Coordinator or designee will advise the supervisor or agent on payment status.

The agent or supervisor will contact the provider to convey information on the status of a billing or payment problem, and provide additional follow-up with the provider or the Regional Office, as necessary.

Division of
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Chapter: Supervision

Subject: Purchase of Offender
Services and Goods

Date: 08/28/02 Page 6 of 9

.10 PURCHASING EXTENSION

The supervisor may request an increase in the total amount on the DOC-501 and/or extension of service dates.

A Purchase order may not be increased over \$25,000 unless the appropriate competitive process has been conducted.

The Department is prohibited from entering into sequential purchase orders for like services for amounts that exceed \$5,000 unless the appropriate competitive processes are conducted.

.11 CANCELLATION

The agents will contact the provider when it is necessary to cancel a purchase order before its termination date. The agent shall send a confirmation letter to the provider and request that the providers promptly submit all invoices.

The agent will amend the original DOC-501 by showing the amount by which the purchase order will be reduced. The agent must write "Amended" at the top in red and total costs must be changed. Three copies of the amended DOC-501 are submitted to the POGS coordinator or designee and one copy to the supervisor.

.12 REIMBURSEMENT OF POGS MONEY BY OFFENDERS

We should make every attempt to have the offender reimburse the DOC for the cost of the goods and services purchased with POGS money. All reimbursement payments must be documented in a receipt book, issued by the DCC Field Business Office. Agents must contact their supervisor to find out who keeps this receipt book for the office. If no one in the office has been assigned this type of receipt book, the supervisor must contact DCC Business Office and request one.

If the offender repays, in whole or part, the agent will document the payments in the case notes.

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Community Corrections

Chapter: Supervision

Subject: Purchase of Offender
Services and Goods

Date: 09/01/00 Page 7 of 9

.13 NONWORKING HOURS

The agent is required to contact the supervisor when a purchase order is required during non-working hours. The supervisor will contact the POGS Coordinator or designee, who will assign an emergency purchase order number.

The next working day, a permanent purchase order number will be assigned. The newly assigned purchase order, if required, shall be written on all subsequent invoices for the offender services or goods.

.14 PSYCHOLOGICAL/PSYCHIATRIC SERVICES

The agent must first consult with the Regional Division of Program Services clinical staff before requesting the use of POGS funds for outside clinical services.

.15 TELEPHONE PROCUREMENT PROCEDURE FOR PURCHASE OF SERVICES

There are limited circumstances when the division pays for phone installation and basic phone services for offenders who are monitored by EMP. All telephone installation and service payments via purchase of services will require the approval of the unit supervisor and regional POGS coordinator or designee. In most circumstances, the offender will assume responsibility for these charges within 60-90 days. The agent is responsible for tracking on these time frames. Any request for an extension beyond 90 days must be reviewed by the Unit Supervisor and approved by the Regional Chief, with notification to Regional POS Coordinator or designee for tracking purposes. All lines are ordered in the name of the Department of Corrections. Once the offender has assumed responsibility of the telephone services, our line is disconnected and replaced with the offender's own residential line. This is usually done without an interruption in service.

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Community Corrections

Chapter: Supervision

Subject: Purchase of Offender
Services and Goods

Date: 09/01/00 Page 8 of 9

.15 TELEPHONE PROCUREMENT PROCEDURE FOR PURCHASE OF SERVICES (continued)

A copy of the DOC-501, with a purchase order number secured from the Regional POGS Coordinator or designee, must be forwarded to the Telecommunications Coordinator, requesting the installation of telephone service. This notice shall be sent to the telecommunications coordinator on FAX line (608) 267-3661. All requests must be submitted in writing. Requests should be made two weeks prior to offender release, whenever possible. The DOC-501 must include:

- "basic telephone service with no assigned long-distance carrier, no collect calls, and 900/976 number blocking"
- offender name and number
- offender location
- contact person
- term of service
- agent name and number

The telecommunications coordinator will provide the agent with estimated costs related to installation and telephone service when notifying them on the order "due date." The total costs will appear on the first telephone bill.

A signed copy of the completed DOC-501 must be mailed or FAXED to the Regional POGS Coordinator or designee.

The invoice/cost of service for each individual's phone will be on a monthly telephone bill sent to the respective Unit office. The billings will be identified as "STATE OF WIS DOC DIV COMM CORR (offender #)." The agent or supervisor shall sign off on the invoice/billing. Upon sign off for appropriate costs, the invoice shall then be forwarded to the Regional POGS Coordinator or designee to be processed for payment. Each offender's bill must have the appropriate purchase order number identified.

Division of
Community Corrections

Chapter: Supervision

Subject: Purchase of Offender
Services and Goods

Date: 09/01/00 Page 9 of 9

.15 TELEPHONE PROCUREMENT PROCEDURE FOR PURCHASE OR SERVICES (continued)

The offender shall be financially responsible for any and all additional charges (i.e. all telephone calls and for services such as automatic call back, repeat dialing activation, directory information, etc.) other than start-up (installation) and basic monthly service charges. The agent shall be responsible for monitoring the monthly charges and securing payment for any additional charges incurred by the offender. Checks/money orders must be made out to "Department of Corrections," identified as POGS reimbursement, and forwarded to the Office of Business & Records, 906 Ann St., Madison, WI 53713. Also, a copy of the receipt shall be forwarded to the Regional POGS Coordinator or designee (check with Business Office).

Even though there is no long distance carrier assigned, these calls can be made by dialing a long distance access code. The prohibition of such calling must be stressed in writing on the rules of supervision. The offender should also be informed that this line belongs to the Department of Corrections, and as the user, they cannot request any additional services on the line. The agent must inform the offender that he/she is responsible for any additional charges. The agent shall not release control of the offender's funds until the offender repays all the additional charges.

The telecommunications coordinator must be contacted at 608-240-5666 to disconnect the telephone lines. In the event that an offender absconds or is taken into custody for revocation procedures, the telecommunications coordinator must be notified immediately for service to be discontinued.

If there are any questions regarding this procedure, please contact your Regional POGS Coordinator or designee.

Division of
Community Corrections

Chapter: Supervision

Subject: Clinical Services

Date: 11/09/00 Page 1 of 1

.01 GENERAL STATEMENT

The Division of Community Corrections provides clinical case consultation and evaluation, assistance in securing appropriate treatment for offenders, and treatment for offenders who cannot be served by local mental health resources.

.02 REFERRAL PROCEDURE

The agent may contact the clinician in those areas where a Division clinician is available. In those areas where a Division clinician is not assigned, the agent should consult with their supervisor to determine if services can be obtained from a clinician in another region.

Division of
Community Corrections

Chapter: Supervision

Subject: Release of Confidential
Information

Date: 03/11/05 Page 1 of 3

.01 AUTHORITY

Wisconsin Statutes 51.30, 146.82, 252, 45 CFR Parts 160-164, 42 CFR Part 2.

.02 GENERAL STATEMENT

The exchange of offender information between DCC and other agencies, victims, or individuals is essential to the correctional process. This exchange must conform to state and federal confidentiality laws.

.03 OBTAINING CONFIDENTIAL INFORMATION

Staff frequently need information from non-departmental agencies to assist in the preparation of reports and summaries. This can include school, medical, financial, or psychological information. The agent prepares the Authorization for Disclosure of Non-Health Confidential Information ([DOC-1163](#)) or Authorization for Use and Disclosure of Protected Health Information ([DOC-1163A](#)) naming the source of the records and the reason for the request. The offender must sign the form authorizing release of the information. If the offender is under 18 years of age, the release must be signed by their parent or legal guardian.

If an offender refuses to sign the release and the information is essential to the supervision of the offender, the agent can require the offender to sign as a condition of supervision.

Unless a prior agreement exists, anyone requesting copies of records shall be required to pay copying fees. The DCC Staff person providing the copies shall complete a Fee for Copies form ([DOC-3011](#)) indicating the charge for the copies. Payment is to be received at the time the copies are provided.

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Community Corrections

Chapter: Supervision

Subject: Release of Confidential
Information

Date: 10/27/10 Page 2 of 3

.04 DISSEMINATING CONFIDENTIAL INFORMATION

The following parts of the case file require the Authorization for Disclosure of Non-Health Confidential Information ([DOC-1163](#)) or Authorization for Use and Disclosure of Protected Health Information ([DOC-1163A](#)) signed by the offender permitting release specifically to the person requesting the records:

- Psychological/Psychiatric Reports
- Medical Reports
- Educational Reports
- AODA and any other treatment records
- Any record created by or under the supervision of a health care provider

Any records containing a victim's address or other information about the victim shall be considered confidential and only given out with a signed release of information from the victim.

Juvenile records or juvenile court information must not be released.

A Pre-Sentence Investigation is considered the property of the court, and other than the DOC, can only be released to:

- other agencies or persons with approval of the sentencing court
- Legal Assistance to Inmates Program (LAIP)
- the Attorney General's Office if acting as a representative for the Department
- other state or federal prison authorities when an inmate is transferred to their custody
- other state or federal probation and parole authorities when supervision of an offender is transferred
- other agencies or persons for use related to correctional programming, parole consideration, care and treatment, or research per WI Stats. 972.15(5). This includes any contracted agencies that provide programming to offenders.

Any agency or person who receives a PSI under this section shall not further disclose its contents.

Case files may contain records prepared by and obtained from another agency that often indicates that disclosure of the record is prohibited. The wishes of the originator of the record, however, are not necessarily controlling. If the record was obtained as part of the normal duties of this Department, it is a record of this Department.

Division of
Community Corrections

Chapter: Supervision

Subject: Release of Confidential
Information

Date: 03/11/05 Page 3 of 3

.04 DISSEMINATING CONFIDENTIAL INFORMATION (continued)

The offender's case file should include a record of all verbal and written requests or disclosures of information to persons or agencies outside the Department of Corrections. The entry should be in the case notes, and may also be entered in the Client Log of the OATS program. It shall identify the material disclosed, the recipient of the information, and the date disclosed.

.05 AIDS/HIV

The disclosure of HIV test result information is restricted. Department of Corrections staff do not need a release of information to get test results from within the Department. However, if such information is needed from an outside source, a signed DOC-1163 or 1163A must be completed as outlined in 06.12.03. HIV test result information and any consent forms signed by an offender authorizing disclosure shall not be kept in the offender's case file. Such written materials shall be maintained by the agent in a separate, sealed folder marked "Confidential Information." If the offender self-identifies to the agent as HIV positive or as AIDS infected, the information is not confidential; however, it should be treated with respect and disclosed only on a "need to know" basis.

.06 JUVENILE RECORDS

Agents may not release information on sex offenses committed by a minor, even if adjudicated delinquent, to any individual or agency other than police without a confidential release of information signed by the offender or legal guardian of the offender.

Division of
Community Corrections

Chapter: Supervision

Subject: Modification of Rules of
Community Supervision

Date: 12/02/03 Page 1 of 1

.01 AUTHORITY

Wisconsin Statute 973.10
Wisconsin Administrative Code DOC 328.04(3)

.02 GENERAL STATEMENT

During the process of supervision, an offender's adjustment may require the addition or deletion of rules on the Rules of Community Supervision ([DOC-10](#)).

.03 MODIFICATION PROCEDURE

- The offender will be given the reason for the action.
- The offender should initial each new rule.
- If the agent restricts the offender from contact with the victim(s), the agent shall notify the victim(s), of the restriction, either verbally or in writing. If this restriction is removed, the agent shall again notify the victim(s), either verbally or in writing.
- If the offender refuses to sign the amended [DOC-10](#), it will be read to him/her and the refusal entered in the case record. Whenever possible, another agent should sign the [DOC-10](#) as witness to the rules being read to the offender and his refusal to sign.
- The offender should be provided with a copy of the amended rules.
- Appropriate entries will be made in the case notes.

Division of
Community Corrections

Chapter: Supervision

Subject: Court Review or
Modification of Conditions

Date: 03/01/06 Page 1 of 1

.01 AUTHORITY

Wisconsin Statute 973.09
Wisconsin Statute 302.113(7m)

.02 GENERAL STATEMENT

An offender on probation may be returned to the committing court for a probation review by order of the court or through the initiative of the agent. The judge may wish to review the offender's progress or the agent may feel that other conditions or modifications are in order. The department may also petition the court to modify any conditions of Extended Supervision set by the court.

.03 REVIEW OR MODIFICATION OF PROBATION CONDITIONS

The agent will:

- Advise and consult with the supervisor regarding the probation review.
- Inform the offender of the probation review.
- Prepare a memo to the court including court history, adjustment on supervision, the reason for the request, and a specific statement of what the agent requests of the court.

The court will set the hearing date and inform the offender and the attorney of record. The agent should be available to present information if requested.

Following the review, appropriate entries should be made in the case notes.

.04 MODIFICATION OF CONDITIONS OF EXTENDED SUPERVISION

The department may petition the court to modify the conditions of Extended Supervision set by the court if the offender is not serving a life sentence. The agent shall follow the steps in 06.14.03 to prepare the petition. The agent must serve a copy of the petition to the offender and the offender's attorney, if there is one. The court will serve a copy of the petition on the district attorney. The court may notify a victim.

The court may hold a hearing to consider the petition. If a hearing is conducted, the agent should be available to present information to the court, if requested.

Division of
Community Corrections

Chapter: Supervision

Subject: Amended Court Orders

Date: 11/09/00 Page 1 of 1

.01 AUTHORITY

Wisconsin Statute 973.10

.02 GENERAL STATEMENT

The court issues an amended order when an original order is changed.

.03 PROCEDURE

An amended order is initiated by the court, agent, offender or defense counsel and may reflect correction of an error, or addition, deletion or revision of conditions.

When an agent requests an amended court order, the agent should enter the requested changes on an Amendment to the Judgment of Conviction ([DOC-37](#)). A court memo should be attached indicating the reasons why the agent is requesting the amendment.

When an amended court order is issued, the agent will:

- Make appropriate entries in the case notes.
- Explain the amended order to the offender.
- Make appropriate changes on the Recommendation For Administrative Action ([DOC-44](#)) by checking the box "Corrections to the Accompanying Computer Information."
- Highlight changes and forward amended court order to Central Records Unit when amendment affects financial obligations, length of term, or other information reflected on the computer generated Face Sheet ([DOC-3](#)).

Division of
Community Corrections

Chapter: Supervision

Subject: Jail Confinement as a
Condition of Probation

Date: 12/02/03 Page 1 of 1

.01 AUTHORITY

Wisconsin Statute 973.09(4)

.02 GENERAL STATEMENT

Courts can order confinement to county jails as a condition of probation.

.03 JAIL RULES

A violation of jail rules constitutes a violation of the Probation/Parole Rules. A Violation Investigation Report (DOC-5) should be prepared.

.04 STANDARDS OF SUPERVISION

All standards of supervision apply. Personal contacts and home visits must be maintained in accordance with their classification unless waived by a supervisor in writing.

.05 FAILURE TO RETURN/ESCAPE

When an offender confined as a condition of probation fails to return to the county jail or absconds during release, s/he can be charged with escape and is in violation of probation.

.06 GOOD TIME

Persons confined in a county jail as a condition of probation are not eligible to earn good time unless specifically ordered by the court.

.07 CREDIT OF TIME UPON REVOCATION

Any time spent in confinement as a condition of probation is credited upon revocation.

Division of
Community Corrections

Chapter: Supervision

Subject: Intrastate Travel

Date: 12/02/03 Page 1 of 1

.01 AUTHORITY

Wisconsin Administration Code DOC 328.08

.02 GENERAL STATEMENT

The standard rules of supervision do not restrict an offender's travel within the state. However, the agent may impose special rules that control an offender's intrastate travel to achieve the goals and objectives of supervision. Offenders are required to account for their whereabouts and activities as directed by the agent.

.03 PROCEDURE

The Rules of Community Supervision ([DOC-10](#)) do not specifically restrict the intrastate travel of offenders, but agents may need to restrict the movement of certain offenders. If an offender is allowed to travel and temporarily remain in another area of the state, the agent should inform the office in that location of the offender's presence. Particular attention must be given to controlling the intrastate movement of sex offenders and other high-risk offenders.

Division of
Community Corrections

Chapter: Supervision

Subject: Permission to Own or
Operate a Motor Vehicle

Date: 08/01/10 Page 1 of 1

.01 AUTHORITY

Wisconsin Administrative Code DOC 328.04(3)(h)

.02 GENERAL STATEMENT

Because of the frequency with which motor vehicles are involved in criminal activity and because of the financial implications of ownership and operation, an agent must provide advance permission for an offender to purchase, trade, sell or operate a motor vehicle. The agent will consider offender transportation needs, financial responsibility, insurance, and past experience with a motor vehicle.

.03 PROCEDURE

Permission to operate a vehicle cannot be granted if the offender does not have a valid driver's license. An agent's permission will be documented in the case file and on the Application to Purchase/Operate a Motor Vehicle ([DOC-56](#)) with other pertinent information; e.g., driver's license number, license plate number, description of vehicle.

.04 FINANCIAL REQUIREMENTS

Effective June 1, 2010, WI Stats. 344.61 require all vehicles to have minimum liability insurance and that proof of insurance is available in the vehicle. An agent shall require proof of insurance coverage prior to granting permission to operate a motor vehicle.

Division of
Community Corrections

Chapter: Supervision

Subject: Out-of-State Travel

Date: 10/01/12 Page 1 of 2

.01 AUTHORITY

Wisconsin Administrative Code DOC 328.06

.02 GENERAL STATEMENT

Rules of Community Supervision prohibit offenders from leaving the State of Wisconsin unless they obtain advance approval and a travel permit from the agent. Supervised release cases (980 cases) and conditional release cases (971 cases) are prohibited from any out-of-state travel. Temporary out-of-state travel for other offenders may be authorized if it is consistent with the purpose and goals of the offender's supervision. If the offender is traveling for leisure purposes, the agent must take into consideration balances owed on court obligations or supervision fees when deciding approval or denial.

Temporary out-of-state travel must be authorized by use of a Travel Permit (DOC-50). Upon signing the DOC-50, the offender agrees to:

- waive extradition to Wisconsin from another jurisdiction,
- return to Wisconsin whenever so instructed, and
- obey any special instructions noted on the DOC-50.

The offender must carry the approved permit while out of state.

.03 TRAVEL NOT TO EXCEED 15 DAYS

The agent may approve travel for a time not to exceed 15 days. The Travel Permit is prepared, signed by the offender, and approved by the agent. The Supervisory Approval section of the Travel Permit is required only for sex offender travel.

.04 TRAVEL EXCEEDING 15 DAYS

A Travel Permit is prepared as described above. Supervisory approval is required for any time exceeding 15 days. The supervisor's approval must be granted and noted on the Travel Permit before the offender can leave the state. A supervisor may not approve any travel permit allowing an offender to remain in another state for more than 45 consecutive days, unless the offender has received reporting instructions under the interstate compact. (See 12.01.05 Travel Permits Provisional).

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Subject: Out-of-State Travel

Date: 01/24/07 Page 2 of 2

.05 BLANKET TRAVEL PERMIT

A blanket travel permit may be issued to authorize frequent and repeated trips to out-of-state destinations. This is commonly used for employment purposes or when an offender's residence is close to a border state and the offender routinely travels into the other state for business, shopping, or recreational purposes. Blanket travel permits may be issued for up to six months. Supervisory approval is required for all Blanket Travel Permits.

.06 FOREIGN COUNTRY TRAVEL

Authorization to travel to a foreign country will not be granted to offenders.

.07 RESOLUTION OF AGENT/SUPERVISOR DISAGREEMENT

When an agent and supervisor disagree on a travel authorization, the agent may appeal directly to the Regional Chief. The Regional Chief will review the recommendation and the offender's record. If necessary, the Regional Chief will discuss the matter with the agent, supervisor, and offender. The Regional Chief will decide whether to authorize the travel.

.08 DENIAL OF OFFENDER'S TRAVEL REQUEST

Should an offender's request for temporary travel be denied, the reason for denial will be documented in the case notes. Denial of out-of-state travel is subject to review via the Request for Administrative Review ([DOC-127](#)).

.09 SUPERVISION TRANSFER TO ANOTHER STATE

Transfer to another state is governed by the Uniform Act for out-of-state supervision. See Chapter 12, Interstate Compact.

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Chapter: Supervision

Subject: Firearms Laws

Date: 11/09/00 Page 1 of 3

.01 AUTHORITY

Wisconsin Statute 941.29
Wisconsin Administrative Code DOC 328.04(3)(j)
DOC 328.11(4)(d)
Federal Gun Control Act of 1968, 18 USC 921 to 928
Public Law 102-393 (10/06/92)
1995 Wisconsin Act 71
Omnibus Consolidated Appropriations Act of 1997

.02 GENERAL STATEMENT

Wisconsin and federal law prohibit persons who meet certain criteria from receiving, transporting, owning or possessing a firearm or ammunition. Agents cannot grant permission to any person covered by these statutes.

.03 FEDERAL GUN CONTROL ACT

The Federal Gun Control Act of 1968, combined with its subsequent amendments, state any person cannot receive, own, possess, or transport firearms if they meet any of the following criteria:

- 1) Is under indictment for, or has been convicted of, a crime punishable by a term exceeding one year;
- 2) Is a fugitive from justice;
- 3) Is an unlawful user of, or addicted to, any controlled substance (as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802);
 - The term "addict" means any individual who habitually uses any narcotic drug so as to endanger public morals, health, safety, or welfare, or who is so far addicted in the use of narcotic drugs as to have lost the power of self-control with reference to his/her addiction.
 - The term "controlled substance" means a drug or other substance included in Schedule I, II, III, IV or V of the Controlled Substance Act. The term does not include distilled spirits, wine, malt beverages, or tobacco.
- 4) Has been adjudicated as a mental defective or has been committed to a mental institution;
- 5) Is an alien illegally or unlawfully in the United States;
- 6) Has been discharged from the Armed Forces under dishonorable conditions;
- 7) Having been a citizen of the United States, has renounced his/her citizenship.

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.03 FEDERAL GUN CONTROL ACT (continued)

Furthermore, the OCAA of 1997 made it unlawful for any person convicted of a "misdemeanor crime of domestic violence" to ship, transport, possess, or receive firearms or ammunition. It also makes it unlawful for any person to sell or otherwise dispose of a firearm or ammunition to any person, knowing or having reasonable cause to believe that the recipient has been convicted of such a misdemeanor.

As defined in the GCA, a "Misdemeanor Crime of Domestic Violence" means an offense that:

- 1) Is a misdemeanor under federal or state law; and
- 2) Has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim; by a person with whom the victim shares a child in common; by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian; or by a person similarly situated to a spouse, parent, or guardian of the victim.

This is a lifetime prohibition and includes any firearm the offender owned prior to conviction. The agent has no authority to grant exceptions for hunting or any other reason.

Possession of a firearm does not require that the offender own the firearm, but rather have "control and dominion" or ready access to it.

.04 WISCONSIN FIREARMS LAW

Wisconsin Statute 941.29 prohibits possession of firearms by any person convicted of a felony in Wisconsin or of a crime in another state that would be a felony in Wisconsin.

1995 Wisconsin Act 71 prohibits possession of firearms by persons under domestic violence or child abuse injunctions and restraining orders. Prohibition is automatic for domestic abuse and child abuse orders. The judge or family court commissioner may order prohibition for harassment orders.

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.04 WISCONSIN FIREARMS LAW (continued)

To ensure, to the extent possible, the safety of victims of domestic violence, to ensure compliance with federal and state law, and to provide notification to offenders, the following action is required:

- 1) Permission to possess firearms or ammunition shall not be granted to offenders subject to the laws specified above.
- 2) It shall be DOC policy that anyone convicted of any crime where the behavior is domestic violence in nature or anyone with a history of domestic violence related behavior shall not be granted permission to possess firearms or ammunition.
- 3) DCC staff shall inform all offenders subject to this policy to check with an attorney or the district attorney in their county to determine if prohibitions regarding firearms and ammunition apply to them when they are no longer on supervision.

.05 DEFINITION OF A FIREARM

The following are defined as firearms:

- Any weapon which acts by force of gunpowder, including muzzle-loaded weapons;
- Any weapon which will, or is designed to or may readily be converted to, expel a projectile by the action of an explosive, including the frame or receiver of any such weapon;
- Any firearm muffler or firearm silencer;
- Any destructive device (explosives, incendiaries, grenades, mines, and rockets);
- Any starter pistol.

.06 RELIEF

The Federal Bureau of Alcohol, Tobacco & Firearms (BTAF) can no longer grant relief from Federal firearm restrictions. The only option is to apply for a Governor's pardon. However, a pardon is rarely granted for the sole purpose of restoring the right to possess firearms (see 06.38.03).

Division of
Community Corrections

Chapter: Supervision

Subject: Offender Complaint Process

Date: 11/09/00 Page 1 of 3

.01 AUTHORITY

Wisconsin Administrative Code DOC 328.11

.02 GENERAL STATEMENT

Administrative Rules provide the offender an opportunity for review of certain types of decisions through the offender complaint process. This process is used to encourage communication and cooperation between offender and staff, while resolving problems in an orderly and uniform fashion.

.03 EXCEPTIONS

Decisions related to the following may not be challenged by this complaint process:

- Custody and detention;
- Revocation;
- Violation of criminal law or ordinance;
- Firearms denial in accordance with Federal and State law;
- Special conditions or terms of supervision imposed by a court or a parole board;
- Discharge prior to completion of the commitment term;
- Mandatory detention.

.04 HOW COMPLAINT IS FILED

The offender initiates a review by informally filing a complaint with the agent. The agent will then attempt to resolve the complaint. The agreed-upon resolution must be documented in the offender's record. If an informal resolution cannot be reached, the offender may file a written request for review with the agent's supervisor on the Offender Request for Administrative Review ([DOC-127](#)). This request must be filed within five (5) working days of the decision giving rise to the complaint unless the supervisor, for good cause, accepts a complaint after that time.

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.05 SUPERVISOR'S INVESTIGATION AND DECISION

Upon receiving the written request for review, the supervisor notifies the agent, who is then given the opportunity to respond within five (5) working days. The supervisor will review the complaint, the agent's response, and may interview the offender and others within ten (10) working days from receipt of the complaint. After completion of the investigation, the supervisor has five (5) working days in which to issue a written decision and the reasons for the decision. Copies are to be sent to the offender and agent. If no decision is issued, or if the offender or agent disagree with the decision, either may appeal.

.06 APPEAL OF SUPERVISOR'S DECISION

Within five (5) working days, the offender or agent may present a written appeal to the Regional Chief stating the reasons for the appeal and request further review. The Regional Chief will review and investigate the complaint and decision. Within ten (10) working days of the receipt of the appeal, the Regional Chief will send the written decision to the offender, agent, and supervisor.

.07 APPEAL OF REGIONAL CHIEF'S DECISION

Within five (5) working days of the Regional Chief's decision, the offender, agent or supervisor may present a written appeal to the Administrator of the Division of Community Corrections, if in disagreement with the decision. The Administrator will review relevant written material including the offender's complaint, and the supervisor's and Regional Chief's decisions. Within ten (10) working days of receipt of the appeal, the Division

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.07 APPEAL OF REGIONAL CHIEF'S DECISION (continued)

Administrator will issue a written decision with the reasons for that decision, and issue copies to the offender, agent, supervisor, and Regional Chief. If the Division Administrator cannot make a decision within ten (10) working days, the parties must be notified of the reasons for the delay. The decision will then be extended to ten (10) additional working days after the notification. The Division Administrator's decision will be final. In the event the Division Administrator fails to decide, the Regional Chief's decision will be final.

.08 DECISION STATUS DURING REVIEW

While under appeal, the initial decision made by the agent will remain in effect. The offender must comply with the agent's decision or directive during the review process.

.09 PENALTIES

No penalties will result from the filing of a complaint.

.10 EXPEDITED APPEAL

The complaint process will be expedited in circumstances where the complaint will be invalidated by the passage of the prescribed time limits.

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Community Corrections

Chapter: Supervision

Subject: Law Enforcement Contact

Date: 08/02/01 Page 1 of 4

.01 AUTHORITY

Wisconsin Statutes 304.06(1)(g), 301.45
Wisconsin Administrative Code DOC 328.04(2)(j)

.02 GENERAL STATEMENT

Local practice may necessitate that offenders have contact with local law enforcement agencies. This is frequently required of offenders who transfer into a new area or are received on interstate compact supervision. An agent may wish to use this procedure to verify an offender has reported to law enforcement to resolve minor warrants (i.e., non-criminal traffic, failure to pay fines, etc.).

The Department is required to provide advance notification to local law enforcement agencies of a prison inmate's release to field supervision. This practice is mandatory.

Some sex offenders are required to have face to face contact with local law enforcement upon release from an institution or receipt on probation. These offenders must also have face to face contact with local law enforcement officials whenever they move to another law enforcement jurisdiction during the course of their supervision. This practice is mandatory.

.03 DISCRETIONARY FACE TO FACE CONTACT WITH LAW ENFORCEMENT

The agent prepares a Face Sheet ([DOC-3](#)) and instructs the offender to take it to the appropriate law enforcement agency. This contact usually includes photographing and/or fingerprinting. The completed form must be returned to the agent with a signature from the law enforcement agency as verification of required contact.

This practice does not apply to "non-conviction cases."

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Subject: Law Enforcement
Contact

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.04 MANDATORY FACE TO FACE CONTACT

Sex offenders who are required to register with the Sex Offender Registration Program must also have face to face contact with local law enforcement while under DOC supervision.

If, on or after 12/25/93, an offender has been convicted of, adjudicated, or committed for a violation, solicitation, conspiracy, or attempt to commit any of the following crimes, that individual must register as a sex offender and have face to face contact with local law enforcement.

Offenses requiring registration:

940.225(1)	First-Degree Sexual Assault
940.225(2)	Second-Degree Sexual Assault
940.225(3)	Third-Degree Sexual Assault
940.22(2)	Sexual Exploitation by Therapist
940.30	False Imprisonment **
940.31	Kidnapping **
940.32	Incest
948.02(1)	First-Degree Sexual Assault of a Child
948.02(2)	Second-Degree Sexual Assault of a Child
948.025(0)	Repeated Acts of Sexual Assault-Same Child
948.05	Sexual Exploitation of Child
948.55	Forced Viewing of Sexual Activity
948.06	Incest with a Child
948.07	Child Enticement
948.08	Soliciting a child for Prostitution
948.11	Exposing a Child to Harmful Materials
948.30	Abduction of Another's Child
975.06	Sex Crimes Law Commitment
980.01	Sexually Violent Person Commitment

Offenders must also have face to face contact with local law enforcement while on DOC supervision if the court determined that the crime involved sexually-motivated behavior, and it would be in the best interest of public protection, and orders registration for crimes involving:

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Contact

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.04 MANDATORY FACE TO FACE CONTACT (continued)

Chapter 940 Crimes Against Life and Bodily Security
Chapter 944 Crimes Against Sexual Morality
Chapter 948 Crimes Against Children
971.17 Not Guilty by Reason of Mental Disease
943.01 to 943.15 Certain Crimes Against Property

- Any offender who has been convicted on or after 12/25/93 of a comparable registerable offense in another state and who is on supervision in Wisconsin must have face-to-face contact with local law enforcement.
- Any person who has been sentenced to Lifetime Supervision under Wis. Stats. 939.615 must have face to face contact with local law enforcement.
- In general, offenders must register if they are on Interstate Compact Supervision and being supervised in Wisconsin for any felony sexual assault or behavior.

The agents shall prepare the Face Sheet (DOC-3) which will be presented to the local law enforcement agencies by the offender. The offender must return the signed form to the agent.

When an offender moves to a new residence that results in a change to a new law enforcement jurisdiction, the agent shall complete a new DOC-3 reflecting the current address, which will be presented to local law enforcement by the offender and returned to the agent by the offender. A copy of the new DOC-3 shall be sent to the county sheriff and chief of police where the offender previously resided.

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.05 MANDATORY NOTICE OF PAROLE RELEASE

An Inmate Release Authorization ([DOC-15](#)) is prepared for all inmates being released from the institution to field supervision. Law enforcement copies of the Inmate Release Authorization shall be mailed or delivered immediately upon completion of the form.

In the event release is necessary prior to the institution receiving the Inmate Release Authorization, the institution will ensure notification to the applicable law enforcement agencies and the agent of record prior to releasing the inmate. If release notification is done by telephone, the agent will note the date of notification on the Inmate Release Authorization.

The notification requirement does not apply if the municipal Police Department or the County Sheriff's office submit to the Department a written statement waiving the right to be notified. Any such notice will be forwarded to the Division Administrator and filed.

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Chapter: Supervision

Subject: Warrants for an
Offender's Arrest

Date: 11/09/00 Page 1 of 2

.01 AUTHORITY

Wisconsin Administrative Code DOC 328.01(1) (5)

.02 GENERAL STATEMENT

The Division will cooperate with law enforcement agencies to prevent crime and to protect the public. Agents will assist law enforcement agencies in the service and processing of outstanding capiases and warrants.

.03 CHECK FOR LOCAL WARRANTS

The agent will check for the existence of outstanding warrants with local officials, e.g., sheriff and police departments, and through the State Justice Department via the Crime Information Bureau. These checks will be done at the following times:

- During preparation of a Presentence Investigation;
- Probation Social, Initial Intake Assessment (IIA), or Admission Investigation;
- Prior to acceptance of an Interstate Compact case;
- Prior to an inmate's release to parole or mandatory release;
- Prior to recommending an Early Discharge;
- At other times as may be deemed appropriate.

.04 HANDLING EXISTING WARRANTS

Field Cases: If an agent determines that a warrant is outstanding, the field supervisor will be notified and professional judgment must be exercised as to the best method of handling the situation.

If the behavior that prompted the issuance of the warrant constitutes a violation of supervision, i.e., criminal behavior which occurred since reception on probation or parole, a violation investigation will ensue.

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.04 HANDLING EXISTING WARRANTS (continued)

If the behavior occurred prior to reception on supervision, a formal "violation investigation" is not required. However, the agent will inform the offender of the warrant and direct them to report to the proper authorities. Failure to comply with this directive is a violation of supervision and could result in the offender's detention

Institution Cases: District Attorneys will generally proceed with charges even if the offender is incarcerated. Municipal charges and misdemeanors are sometimes not resolved, and warrants remain open during the offender's incarceration. Inmates can seek to satisfy these warrants with the assistance of student attorneys from the Legal Assistance to Inmates Program (LAIP). Referrals can be made by calling (608) 262-1002. Agents are encouraged to assist Institution Social Workers or inmates in clearing up any warrants prior to release from the institution. All Pre-parole Investigations (DOC-7e) completed by the agent shall include outstanding warrant information.

Division of
Community Corrections

Chapter:	Supervision		
Subject:	Child Abuse Reporting Requirement		
Date:	10/07/03	Page 1 of 1	

.01 AUTHORITY

Wisconsin Statute 48.981(2)(c)
1999 Wisconsin Act 20

.02 REPORTING REQUIREMENT

It is the policy of the Department that agents will report suspected child abuse. Any agent having reasonable cause to suspect that a child has been abused or neglected will immediately report that information to the County Agency, Sheriff's Office, or City Police Department. The agent will comply with any request for a written report concerning the incident. If the agent has reason to believe that an offender was involved in the abuse or neglect, the agent will conduct a violation investigation and consideration should be given as to whether or not the offender should be detained under the mandatory detention policy. Agents cannot be denied access to reports by county agencies.

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Community Corrections

Chapter: Supervision

Subject: Probation Without
Conviction

Date: 11/09/00 Page 1 of 2

.01 AUTHORITY

Wisconsin Statute 961.47

.02 GENERAL STATEMENT

A person found guilty of possession of a controlled substance under 961.47(1) may be placed on probation without conviction. A judgment of guilt is deferred, and upon successful completion of probation, proceedings against the individual are dismissed.

.03 SUPERVISION

The court order will specifically note that the offender has been committed under this statute. Case opening, rules, and general supervision are consistent with the supervision of other probationers.

.04 VIOLATIONS

Violations of probation may be disposed of by the agent through a modification of the case plan or by written or verbal warnings. The agent may authorize county jail detention consistent with established detention procedures. Violations that warrant termination of supervision must be referred to the committing court for disposition. The Department does not have the authority to revoke these cases.

If a non-conviction offender absconds, the agent will issue an Apprehension Request and Warrant ([DOC-58](#)). The [DOC-58](#) must be for local or CIB distribution only. Check "NO" in the extradite section. At the same time, the agent will request that the committing court issue a warrant for the offender's arrest. Once the court issues its warrant, the agent will cancel the apprehension request by issuing an Apprehension Cancellation ([DOC-58A](#)). A copy of the warrant issued by the court shall be forwarded to CRU in order to stop time.

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Chapter: Supervision

Subject: Probation Without
Conviction

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.05 TERMINATION

If an offender is returned to court for a violation, the court may enter an adjudication of guilt and sentence the individual, or continue supervision with or without additional conditions.

If an offender successfully completes probation, the court will terminate probation and dismiss further proceedings.

The Department does not have the authority to early discharge a probation without conviction. Early termination can only be accomplished by court order.

A T-number and case closing will be issued; however, a discharge certificate will not be issued.

.06 INTERSTATE TRANSFER AND TRAVEL

Interstate travel is permissible under 06.19 unless prohibited by the court.

Offenders on probation pursuant to a deferred judgment under s.961.47 may apply to have their supervision transferred to another state under the Interstate Compact, if all other eligibility criteria are met. (See Chapter 12 Interstate Compact.) An offender being monitored pursuant to a deferred prosecution agreement under s.971.39 may not be transferred under the Interstate Compact.

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Chapter: Supervision

Subject: Expungement

Date: 11/09/00 Page 1 of 1

.01 AUTHORITY

Wisconsin Statute 973.015

.02 GENERAL STATEMENT

"Expunge" means "to strike or obliterate from the record all references to a defendant's name and identity." If a person is under the age of 21 at the time of the commission of a misdemeanor, and is found guilty, the court may order that the record be expunged upon successful completion of probation.

.03 SUPERVISION

The court order will specify if the offender is eligible for expungement. All aspects of supervision are consistent with other probationers including disposition of violations and revocations.

.04 TERMINATION

A person has "successfully completed" probation if there is no conviction for a subsequent offense and if probation has not been revoked. If the offender is convicted of a new offense that did not result in revocation, the agent must notify the court at least 30 days prior to the expiration date. If an offender is revoked, the court is notified by the Central Records Unit. Upon notification of discharge, the court will expunge the record. The agent should encourage the offender to follow up with the clerk of court in the county of conviction to ensure that the record has been expunged.

.05 RELEASING INFORMATION

This statute, for purposes of records, only applies to court records. Release of information from Division files is handled as with standard probation cases. This includes active and terminated files. Adjudications under this statute may be included under prior record for future presentence investigations.

Division of
Community Corrections

Chapter: Supervision

Subject: Juveniles as Adult Cases

Date: 11/09/00 Page 1 of 1

.01 AUTHORITY

Wisconsin Statutes 48.18, 48.02(2)

.02 GENERAL STATEMENT

Under current state law, anyone who has attained the age of 17 is considered an adult for purposes of the criminal justice system.

Upon waiver by the Juvenile Court, individuals between the ages of 14 and 16 can be tried and sentenced in adult court.

.03 SUPERVISION

If an individual under age 18 is placed on adult probation, the case is supervised in the same manner as an adult offender. If, however, the individual requires placement outside their parental home, the juvenile court of jurisdiction must be petitioned for a provision of emancipation.

.04 NEW OFFENSE

A new offense for an offender 16 or younger is handled through the juvenile justice system, despite the previous waiver. It also constitutes a violation of supervision.

.05 VIOLATIONS OF SUPERVISION

A violation of probation, which may include a new offense, may result in a recommendation for revocation. These juveniles can be detained in a county jail with adult inmates.

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Chapter: Supervision		
Subject: Concurrent Federal Supervision		
Date:	11/09/00	Page 1 of 1

.01 GENERAL STATEMENT

Occasionally cases fall into a dual supervision category, such as Wisconsin offender on Federal supervision.

.02 PROCEDURE

Suitable arrangements will be made between the agent and the other agency regarding both supervision and treatment. The state agent has full responsibility for the state case, but the offender is responsible to both agencies.

The supervisor should be made aware of any special arrangements. Appropriate entries will be made in the case notes.

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Chapter: Supervision

Subject: Concurrent Juvenile
Supervision

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.01 GENERAL STATEMENT

Occasionally, cases fall into a dual supervision category where an adult offender is under a concurrent juvenile court order and is supervised by a Department of Corrections, Division of Juvenile Corrections (DJC) agent, or is also under county supervision. The county supervision could be: a Juvenile in need of Protection Services (JIPS) court order; a Children in Need of Protection Services (CHIPS) court order; regular county supervision or county aftercare.

.02 PROCEDURE

Every new case will be screened through CACU to determine if there is currently any DOC agent assigned to the case (either DCC or DJC). If there is a DJC agent assigned the DCC supervisor or designee will contact the DJC supervisor within two working days to determine the status of the juvenile case. If the juvenile case is not administratively discharged, the DCC office will direct assign the new adult case to the current DJC Agent and establish reporting instructions for the offender regarding the new adult case.

DCC will complete all Presentence Investigations; however, DJC may be contacted to provide any available information relevant to the PSI.

DCC will be responsible for determining all court obligations including restitution amounts and victim information on the adult case. DCC shall forward this information to the Cashiers Unit and DJC Agent. If financial obligations are due under both the juvenile and adult order at the same time, the DJC agent will consult with the DJC supervisor to determine priority of payment on all obligations.

DCC will waive the normal supervision fees, case documentation requirements, and case classification procedures during the time DJC supervises an adult case.

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.02 PROCEDURE (continued)

While both the juvenile and adult orders continue to run, the juvenile agent will be the primary agent and will supervise both the juvenile case and adult case until the juvenile order expires, and will make all case decisions regarding supervision, revocation, or return to an institution in consultation with the DJC supervisor.

The DJC agent will maintain separate juvenile and adult case files for the offender, and will modify the offender's current rules of supervision to incorporate all adult supervision rules and court ordered conditions.

.03 VIOLATIONS

In the event of a violation of the rules of supervision the DJC agent will consult with the DJC supervisor to determine a response to the violation. If the decision is to initiate revocation, the DJC agent and supervisor will decide whether to proceed on the violation under the juvenile order, adult order or both.

If the offender is held in any secure detention facility, the DJC agent will keep a case file ledger of days of confinement in the adult supervision file. Those days will be credited against any sentence ordered by the adult court in case of revocation.

If an offender absconds from supervision, the DJC agent will review the case with the supervisor, and if appropriate, will submit a request to stop time on the adult case.

.04 CASE TRANSFER PROCEDURES

Sixty (60) days prior to the expiration of the juvenile order, or immediately if less than 60 days remains on the juvenile order, the following transfer procedure will be used:

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Supervision

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.04 CASE TRANSFER PROCEDURES (continued)

- The DJC supervisor will contact the local DCC office in the offender's county of permanent residence to let them know that a case will soon be transferred and provide the name and phone number of the current DJC agent.
- The receiving DCC office will, within 5 working days, designate and assign a DCC agent to receive the case.
- The DJC agent will confer with the DCC agent to review the case.
- If the agents are unable to agree on an appropriate placement and living arrangement for the offender, they will consult with their supervisors. If the issue cannot be resolved at this level, the DCC Regional Chief will make a final determination.
- Fifteen days before the juvenile order expires, the DJC agent will provide the DCC agent with a Recommendation for Administrative Action ([DOC-44A](#)) or Area Transfer ([DOC-34](#)), transferring the case effective on the date the juvenile order expires, and the adult case file.
- The DCC agent will accept the case on the termination date of the juvenile order.
- Upon expiration of the juvenile order, the DJC agent will obtain a termination (T) number for the juvenile supervision file. DJC will notify CACU of the T-number and the new DCC agent number within 14 calendar days.
- If the DJC agent has an active apprehension request on the date the juvenile order expires, the receiving DCC agent will re-issue the apprehension request under his/her own agent number with the adult court case information.
- In a case where there is an ongoing violation investigation of the adult order pending disposition on the date the case at the time of transfer to DCC, the DCC Agent shall complete the investigation. The DJC agent will assist with providing all evidence and documentation available to DJC and will be available for testimony at the revocation hearing.

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.04 CASE TRANSFER PROCEDURES (continued)

- The receiving DCC agent will complete a COMPAS assessment, establish a case plan, establish supervision fees and have the offender sign rules. An initial home visit must be completed within the first 30 days. All other supervision standards apply.

.05 SPECIAL CONSIDERATIONS

If the offender is under DJC supervision but becomes too old for continued placement in a DJC alternate care facility, the DJC supervisor will contact the DCC office in the offender's county of residence to determine if the offender can be placed in a DCC contracted facility. If this requires placement of the offender in a different community, DJC will transfer the case to a DJC agent in that community until the case can be transferred to DCC.

A DCC agent will not keep an offender in a DJC contracted alternate care facility after the expiration of the juvenile order, unless the offender is still age appropriate and DCC has made direct pay arrangements with the facility.

.06 COUNTY SUPERVISED CASES ON CONCURRENT ADULT SUPERVISION

If an offender is placed on adult supervision while on county juvenile supervision, normal DCC intake and supervision procedures apply.

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.06 COUNTY SUPERVISED CASES ON CONCURRENT ADULT SUPERVISION (continued)

If the offender is residing in a long term out of home placement, the DCC office in the area of placement shall receive and supervise the case. Upon discharge or release from the placement, the offender shall return to his/her home area.

Home area is determined by the residence/address of the offender's legal guardian/custodian. When a case is direct assigned or transferred to the home area, the DCC office that supervises that area shall receive and supervise the case, with no right to reject the transfer.

If the legal guardian/custodian moves to a new area, the case shall transfer to the DCC office in the area of relocation, with no right of the receiving office to reject the transfer.

If the legal guardian/custodian is not available for placement, the DCC office in the offender's home area should approach the social services department administering the county order and jointly petition the court for an agreed upon change of placement.

The adult case should be considered governing on issues of public safety and mandatory detention. County jail or other commonly used and approved secure adult housing shall be utilized when detention is necessary. Placement in a juvenile detention center should be utilized only when all parties agree it is obviously in the offender's best interest, while maintaining community safety.

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Community Corrections

Chapter: Supervision

Subject: Substance Abuse Screening

Date: 07/01/13 Page 1 of 3

.01 AUTHORITY

Wisconsin Administrative Code DOC 328
Wis. Stat. 301.03 (2r) and (3)

.02 GENERAL STATEMENT

Substance abuse screening is an evidence-based practice used to identify and monitor chemical abuse/misuse. Substance abuse screening by DCC staff is done to investigate and establish a factual context (forensic purpose). The results of any screen are generated only for the purpose of detecting illegal substances or excessive amounts of prescribed substances. Federal law mandates that all screenings conducted under this subsection which have the potential to directly or indirectly affect the assessment, treatment plan, or treatment programming of any participant shall be confirmed by a certified laboratory.

While confirmation of screening results is considered a best practice, if an offender admits to the drug use, this admission, along with the positive drug screen, can be used to refer an offender to treatment and/or remove an offender from treatment. Substance abuse screening results alone should not be used for referral to substance abuse treatment.

However, if the removal from treatment and/or positive screen results are going to be utilized as part of any revocation proceeding, completing of a confirmation test is necessary for contested results, prior to outcome being implemented.

Urine and saliva screening can also be used to:

- 1) Identify drug usage;
- 2) Confront denials of use;
- 3) Monitor compliance;
- 4) Assess risk and needs;
- 5) Comply with court orders and/or rules of supervision.

.03 SUBSTANCE ABUSE SCREENING REQUIREMENT

Frequency of screening and the selection of substances to be screened must be driven by the offender case plan and criminogenic needs. Substance abuse screening may be conducted in the following manner:

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Chapter: Supervision

Subject: Urinalysis

Date: 07/01/13 Page 2 of 3

.03 SUBSTANCE ABUSE SCREENING REQUIREMENT (continued)

- 1) As part of a routine or random testing program;
- 2) If there is reason to believe the offender has been in possession of or has used illegal drugs;
- 3) When an offender is taken into custody for drug-related behaviors;
- 4) When the observation of a staff member or credible information from an informant warrant screening;
- 5) At the direction of a supervisor.

.04 SPECIMEN COLLECTION PROCEDURES

Each DCC office shall follow a standard process for the collection of specimens, storage, transport, and maintaining a Chain of Evidence (DOC-1496). Staff collecting specimens to be tested by a contracted, off-site laboratory will precisely follow the procedures outlined by that laboratory. In addition, training opportunities may be available to assist in DCC staff development.

Observed specimen collection shall be conducted by staff of the same gender as the offender, where possible.

.05 CASE RECORDING AND FOLLOW-UP

Results of the UA or saliva screening will be documented in COMPAS notes. After a discussion between the offender and agent, the outcome will then be appropriately documented in notes. If the screening result is positive for illegal substances, a variety of dispositions should be considered as with any violation. Negative screening results shall be appropriately reinforced, including a reduction in the number of screenings, if appropriate.

.06 CONFIRMATION OF SUBSTANCE ABUSE SCREENING RESULTS

The results for a substance abuse screen may be confirmed by a second screen for any of the following:

- 1) The offender does not admit to use of drugs;
- 2) The first screen is sole evidence of drug use;
- 3) A referral to treatment or revocation could result because of the screen.

Please refer to Chapter 07.01.02 regarding detention procedures.

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Date: 07/01/13 Page 3 of 3

.06 CONFIRMATION OF SUBSTANCE ABUSE SCREENING RESULTS (continued)

Confirmation may also be done at the request of the offender, or at the discretion of the agent with supervisory approval.

.07 EVIDENCE IN REVOCATION PROCEEDINGS

If a positive urine or saliva screen is used as the only basis for revocation and the offender contests the results, a confirmation test must be ordered. The confirmation screen must be requested within 30 days of submitting the original specimen.

If the agent intends to utilize a positive urine or saliva screen result in a revocation hearing, staff from the testing agency will be available by letter, telephone, or in person for appearance at hearings.

STATE OF WISCONSIN
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Chapter: Supervision

Subject: Undercover Activities

Date: 12/01/00 Page 1 of 1

.01 GENERAL STATEMENT

Participation in undercover activities can place an offender in violation of the rules of supervision. Therefore, no agent may authorize any offender to participate in undercover activities.

.02 PROCEDURE FOR APPROVAL

All requests for offender participation in undercover activities must be made by the Executive Officer of the requesting agency to the Regional Chief in writing. The Regional Chief will review the request with the appropriate field supervisor, agent and, if charges are pending, the District Attorney, to determine the propriety of the request. The Regional Chief determines if the undercover activity should or should not be permitted, and that decision is final. All approvals shall have a specified time limit.

Requests from Federal law enforcement agencies or from the Wisconsin Department of Justice should be directed to the Regional Chief. In reviewing such requests, the Regional Chief need not consult with the District Attorney.

The Regional Chief shall maintain a log of all undercover activity and submit a quarterly report to the Division Administrator outlining the approved requests.

Offender participation in undercover activities must be voluntary. Special considerations will not be given by the Department in exchange for such activity.

Division of
Community Corrections

Chapter: Supervision

Subject: Aiding or Encouraging
Violation of Supervision

Date: 12/02/03 Page 1 of 1

.01 AUTHORITY

Wisconsin Statute 946.46

.02 GENERAL STATEMENT

Wisconsin Statute prohibits a person from interfering with the supervision of an offender by intentionally encouraging an offender to violate the rules or conditions of supervision. Such conduct is a Class A misdemeanor.

.03 PROCEDURE

Persons who aid or encourage an offender to violate supervision may be warned of this statutory provision by the agent. If an agent feels that a person should be charged with such a crime, the agent should refer the matter to the District Attorney of the county where the violation occurred.

Division of
Community Corrections

Chapter: Supervision

Subject: Early Discharge

Date: 12/23/11 Page 1 of 3

.01 AUTHORITY

Wisconsin Statutes 973.09(3)(d) and 973.013(2)

.02 GENERAL STATEMENT

Providing incentives and reinforcement for positive behavior has been identified as an important factor in promoting behavior change for offenders and should be utilized as part of the case planning process. Early discharge is one incentive that can encourage compliance with supervision as well as sustained behavioral change when used appropriately.

Offenders on probation are eligible for early discharge including those supervised in another state under Interstate Compact. An offender placed on lifetime supervision may petition the court for early discharge. See 06.33.07 for offenders serving life sentences.

The Department may request the sentencing court to modify the sentence to accomplish early discharge. The agent will inform the offender of the early discharge criteria and identify the goals and objectives that need to be completed in order to be considered. This discussion should take place during the intake process and must be documented in the case notes.

.03 EARLY DISCHARGE REVIEW

Early discharge reviews for probationers shall take place during the offender's regular report sessions as follows:

Non-assaultive misdemeanors: Ninety days prior to initial eligibility.

All other offenders: Upon initial eligibility and every six months thereafter.

This review shall include a discussion of the offender's progress on meeting the goals and objectives of supervision and be documented in the chronological recording.

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Community Corrections

Chapter: Supervision

Subject: Early Discharge

Date: 12/23/11 Page 2 of 3

.04 ELIGIBILITY FOR EARLY DISCHARGE

Only probation cases may be discharged early and the offender must meet the following:

- Served at least 50 percent of the probation term.
- Minimum or Administrative supervision for a reasonable period of time.
- Satisfied all conditions of probation that were set by the sentencing court.
- Satisfied all rules and conditions that were set by the Department.
- Fulfilled all financial obligations to his or her victims, the court, and the department, including the payment of any fine, forfeiture, fee or surcharge, or order of restitution.
- No outstanding warrants.

Offenders who are required to register under s.301.45 are not eligible for early discharge.

.05 VICTIM NOTIFICATION

Agents should contact victims of convictions and read-ins by sending them a Victim Request for Notification (DOC-2623) during the offender's intake process. The DOC-2623 will explain the goals and objectives of supervision, including revocation and early discharge. The DOC-2623 provides the victim with the opportunity to request notification should either revocation or early discharge occur. The victim also has the option to decline notification.

Unless the victim requests no notification of early discharge, the agent shall contact the victim prior to an early discharge request being submitted and any comments shall be documented on the Early Discharge Victim Statement (DOC-2566) which is then considered a confidential document. If victim contact is not made, the contact efforts shall be entered in the case notes.

Available resources to obtain victim information include CCAP, PSI, local victim/witness coordinator or other collateral sources. If the victim is enrolled with the Office of Victim Services (OVSP), the victim button in WICS will be checked and the agent can call OVSP to obtain a current address.

.06 PROCEDURE

1. The agent shall staff the offender under consideration with the supervisor. Prior to staffing, the agent must complete the Early Discharge of Probation Recommendation (DOC-2528). The staffing discussion shall include the information noted on the DOC-2528 and any other relevant information.

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Chapter: Supervision

Subject: Early Discharge

Date: 12/23/11 Page 3 of 3

.06 PROCEDURE (continued)

2. Upon supervisory approval, the agent shall submit a memorandum to the sentencing court (DOC-2604).
3. Upon approval by the Court, the Court will complete the CR-285 (Order on Petition for Early Discharge from Probation) and return to the agent. The agent shall submit the CR-285 to the DCC Records Office for processing.

.07 DISCHARGE FROM LIFE SENTENCE

When the Department recommends discharge of anyone serving a life sentence, the governor may grant it for someone who has been on parole for 5 years with such terms as the governor feels appropriate.

The agent will submit a Recommendation for Administrative Action (DOC-44), Screen 77 from CACU or OATS, Screen 81 from CACU, and a letter recommending discharge from life sentence. The letter must be on department letterhead, addressed to the DCC Administrator, and include the following:

- Detailed Description of Offense
- Institution Adjustment
 - Participation in treatment programs and results;
 - Adjustment record and conduct reports;
 - Date admitted and date released.
- Parole Adjustment
 - Date paroled and Parole Commission conditions including progress in complying with conditions;
 - Conditions set by agent(s) during supervision and progress in complying with these conditions;
 - Analysis of needs and risk;
 - Summary of any violations;
 - Summary of any revocations;
 - Participation in treatment programs and results.
- Justification for recommending discharge considering public safety and analysis of the Plotkin criteria.
- Any comments of the trial court and District Attorney that prosecuted the case (if available).

Division of
Community Corrections

Chapter: Supervision

Subject: Rescinding of Parole
(Voluntary Return)

Date: 12/02/03 Page 1 of 3

.01 AUTHORITY

Wisconsin Administrative Code DOC 302.30 and DOC 328.13

.02 GENERAL STATEMENT

A parolee or offender on Extended Supervision (ES) may request voluntary return to a correctional institution for a period not exceeding one year.

Offender's request may be approved if:

- Return is for medical treatment or care begun in the correctional facility and treatment has been approved by Correctional Health Services.
- The original release plan is no longer functional and a new plan must be developed.

Offender's request will not be approved if:

- Return contributes to unreasonable overcrowding or threatens institution security.
- Offender wishes to complete an educational or vocational program.
- Offender seeks to avoid supervision.
- Offender seeks to avoid incarceration in another jurisdiction.

.03 PROCEDURE

Based on the criteria above, the agent should advise the offender of the appropriateness of the request for voluntary return. The agent must advise parolees that if returned to a correctional facility, his or her parole status would be governed by the Parole Commission, that the offender may have to remain at the institution until mandatory release, and that the offender would be subject to all institution rules. The agent must further advise the offender of all procedures involved in voluntary return, including the possible need for waiver of good time or, if the governing offense occurred after June 1, 1984, waiver of entitlement to mandatory release.

Offenders on Extended Supervision must agree to remain in an institution beyond their release date, and are to be advised that their return to community supervision may be determined by the secretary of the department.

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Chapter: Supervision

Subject: Rescinding of Parole
(Voluntary Return)

Date: 12/01/00 Page 2 of 3

.03 PROCEDURE (continued)

After being advised of the above, the offender may make a written request for voluntary return. After discussion with the Unit Supervisor, the agent should contact the Chief of Program Services, Division of Adult Institutions, to advise of the possible voluntary return of the offender. The agent then prepares a Special Entry (16.12.02) in the Chronological History ([DOC-24](#)) summarizing the case and stating the reasons for the offender's request for voluntary return. The agent prepares a Recommendation for Administrative Action ([DOC-44](#)), checking "other" and stating "Rescind Parole." The supervisor will indicate approval or disapproval on the Supervisor's Review section.

Waiver of good time required: If the offender has passed MR or will pass MR while re-incarcerated on voluntary return, a waiver of good time or waiver of entitlement to MR must be requested. The agent should complete a Waiver of Time ([DOC-108](#)) and obtain the offender's signature. The offender may waive no less than 15 days and no more than 360 days of good time on a single request. After review by the Unit Supervisor, the packet must be forwarded by the Regional Chief to the Division Administrator for approval.

Waiver of good time not required: If the offender is a discretionary parolee whose period of voluntary return would not extend beyond the MR date, a [DOC-108](#) is not required, and the Regional Chief may approve the voluntary return. If approval is granted, the Regional Chief will notify the institution that voluntary return has been authorized and will forward the request packet to Dodge Correctional Institution (DCI). Initial return is always to DCI Assessment and Evaluation. The agent will arrange for the offender's transportation to the institution.

Upon return to the institution, records relating to the voluntary return will be maintained in the offender's file. The agent is responsible for following the offender's progress and will assist in the development of a release plan when appropriate.

Division of
Community Corrections

Chapter: Supervision	
Subject: Rescinding of Parole (Voluntary Return)	
Date: 12/01/00	Page 3 of 3

.03 PROCEDURE (continued)

In an emergency situation, the written requirements prior to return may be waived by the supervisor but should be submitted within 10 days of return.

In the event that an agent and a supervisor disagree about the voluntary return of an offender, the Regional Chief will resolve the matter.

Division of
Community Corrections

Chapter: Supervision

Subject: Case Closing

Date: 08/16/07 Page 1 of 1

.01 GENERAL STATEMENT

Case closing information is beneficial to staff who may assume future responsibility for an offender after all cases have been closed.

.02 NOTIFICATION

A computer generated "Notice of Case Status Change" will be sent by the Central Records Unit to the agent, giving formal notification of discharge. A Termination number will be assigned to the case. A copy of the Notice of Case Status Change should be forwarded to misdemeanor offenders upon discharge, as certificates are not issued for misdemeanants.

.03 AGENT'S RESPONSIBILITY

A case closing summary is entered in the case notes. Information must include at least the following:

- Last known residence
- Last known employment or school program
- Termination date and Termination number
- Other information the agent may believe is necessary

The agent will, upon receipt of the discharge certificate, forward a copy to the offender and retain a copy in the file. Misdemeanant offenders should receive a copy of the Notice of Case Status Change indicating discharge.

Division of
Community Corrections

Chapter: Supervision

Subject: Offender Death

Date: 04/29/08 Page 1 of 1

.01 PROCEDURE

When an offender on supervision dies, the agent will submit a Recommendation for Administrative Action ([DOC-44](#)) and a Face Sheet ([DOC-3](#)) for each case, within 7 days of the agent becoming aware of the death. The [DOC-44](#) will include documentation of the death in a narrative on the form or attached to the form. Verification of the death may include reports from such sources as a hospital, doctor, police, newspaper, coroner, funeral director, etc. Notice of death from a family member or significant other is not sufficient without secondary verification. Central Office staff forward the request for the death certificate to the Wisconsin Bureau of Vital Statistics or other appropriate locations if the death occurred out of state. It can take three months minimum to receive a death certificate on a Wisconsin offender and six months minimum to receive a death certificate out of state. Upon receipt of the death certificate, the Division Central Office will forward the certificate to the Central Records Unit and the case will be removed from records.

All deaths while on supervision should be entered into the case notes and indicate how the agent learned of the death, the date, and suspected cause. A situation alert is required for all unusual or high profile deaths of DOC offenders. (Refer to 14.07)

Division of
Community Corrections

Chapter: Supervision

Subject: Civil Rights

Date: 02/01/09 Page 1 of 1

.01 AUTHORITY

Wisconsin Statute 304.078

.02 GENERAL STATEMENT

Loss of civil rights ordinarily refers to the deprivation of rights to participate in government. These rights are lost as a consequence of a felony conviction.

.03 ELECTED OFFICE

The Wisconsin Constitution states that a person convicted of an infamous crime may not hold an elected office in this state. An infamous crime is a felony or misdemeanor that is punishable by imprisonment in the state prison.

.04 VOTING

The Wisconsin Constitution provides that an individual convicted of a felony cannot vote in any federal, state, county, municipal, or school board election held in Wisconsin unless that person is "restored to civil rights." A felon's civil rights are restored when the felon is no longer on supervision or incarcerated relative to any felony. This prohibition may not apply to tribal elections and, therefore, tribal members must adhere to the rules specific to their tribe.

Recall petitions may not be signed by anyone on supervision for a felony as Sec. 9.10, Wis. Stats requires the petition to have the signatures of qualified electors. Offenders who are on supervision for a felony offense are not considered qualified electors due to their inability to vote.

.05 JURY DUTY

Felons are prohibited from serving on jury duty unless they have been "restored to civil rights." Offenders who have completed their term of supervision can serve on jury duty.

.06 RESTORATION OF CIVIL RIGHTS

State Statute 304.078 restores civil rights upon completion of a sentence. The Department's certificate of discharge is evidence that such rights are restored. The restoration does not, however, remove the felony conviction for purposes of the federal or state firearms statute.

Division of
Community Corrections

Chapter: Supervision

Subject: Executive Clemency

Date: 12/01/00 Page 1 of 2

.01 AUTHORITY

Wisconsin Statute 304.08 and 304.11

.02 GENERAL STATEMENT

The Governor has the power to grant clemency which includes pardons, conditional pardons, commutations, and reprieves. The Governor has total discretion in the granting of any of these forms of clemency.

.03 APPLICATION PROCEDURE

Chapter 304 of the Wisconsin Statutes sets forth rules regarding applications for clemency. All applications for clemency must be made in writing by the person seeking the clemency or by someone on that person's behalf. Information about the clemency application procedure, instructions, and application forms may be obtained by contacting:

Governor's Office
State Capitol
Madison, WI 53702

A lawyer is not required, nor does it usually help to have a lawyer at the Pardon Advisory Board hearing. These hearings are very informal, and the board would rather talk directly with the applicant.

.04 DIVISION RESPONSIBILITIES

The Division of Community Corrections employees should never initiate clemency proceedings, nor should they make personal recommendations concerning the clemency application of an inmate, offender, or resident under the custody or supervision of the Department of Corrections.

Some applicants or their attorneys may ask the agent to provide them a summary of the case. When this occurs, the applicant or the attorney should be informed that a statement will not be prepared unless requested by the Governor's Office. If a statement is requested by the Governor's Office, the agent will not furnish a copy of the statement prepared for the Governor to the applicant or his attorney. If the applicant or attorney requests a copy, the agent should refer them to the Governor's Office. In preparing a summary of the case, the agent should not include a recommendation, unless a specific request has been made. This is forwarded by the agent to the Regional Chief who will transmit it to the Division Administrator for routing to the Governor's Office.

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Chapter: Supervision

Subject: Executive Clemency

Date: 12/01/00 Page 2 of 2

.04 DIVISION RESPONSIBILITIES (continued)

It is permissible for Division employees to write personal letters of recommendation on former inmates, offenders, or residents not currently under the custody or supervision of the Department of Corrections. Since such letters reflect the personal views of the writer, they should be written on plain stationery and not on Department letterhead.

Division of
Community Corrections

Chapter: Supervision

Subject: NGI (Forensic) Offenders

Date: 11/01/09 Page 1 of 8

.01 AUTHORITY

Wisconsin Statutes 51.37(9) and 971.17
Wisconsin Administrative Codes HSS 98
DHFS Administrative Directive 30.2
DOC Administrative Notices 91-12 & 92-3
DOC Administrative Directive 00-15

.02 GENERAL STATEMENT

Persons found Not Guilty by Reason of Mental Disease or Defect are referred to as "NGI (Forensic) clients." When a court finds a defendant in a criminal case to be Not Guilty by Reason of Mental Disease or Defect, Wisconsin Statute 971.17 provides that the court commit the person to the custody and control of the Department of Health Services (DHS). The court will issue an order for placement in either institutional care or on conditional release.

DHS contracts with the Department of Corrections (DOC) to provide community supervision services to persons conditionally released and administratively transferred. Provisions of this contractual agreement are included in the chapter. In addition, agents responsible for supervision of NGI clients should be familiar with the DHS "Community Supervision of Conditional Release Clients under WSS.971.17 Not Guilty by Reason of Mental Disease or Defect (NGI): PROCEDURES MANUAL."

.03 PRE-DISPOSITIONAL INVESTIGATION (PDI)

The Department of Corrections does not conduct pre-dispositional investigations (PDI) or pre-sentence investigations (PSI) for 971.17 cases. Upon receipt of a court order to conduct a PDI or PSI on a 971.17 case, the agent shall immediately forward a copy of the order to the NGI (Forensic) Program Specialist.

.04 CASE ASSIGNMENT AND PRE-RELEASE PROCEDURES

Institutional Case Assignment

Once a court issues an Order for Conditional Release Plan (CR-274), the DHS Forensic Services Specialist or a contracted case manager will notify the DCC office with responsibility for supervising NGI cases in the county of residence. The case will be assigned to an agent designated as an NGI specialist.

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Subject: NGI (Forensic) Offenders

Date: 11/01/09 Page 2 of 8

.04 CASE ASSIGNMENT AND PRE-RELEASE PROCEDURES (continued)

The primary intent of initiating case assignment for NGI (forensic) clients approved for conditional release is to create a formal mechanism for communication and pre-release coordination between the DHS Forensic Services Specialist, the case manager, and the DCC agent. The objective of this relationship is to ensure the development of an achievable and appropriate conditional release plan to enable the client's successful transition from the institute to the community.

The ledgerkeeper will enter the case as a "Pre-Parole Investigation" (PPI) for 30 days, then change the classification to "Institution" until the person is actually released.

Pre-Release - Conditional Release (Institute)

Development of a release plan for conditional release cases from an institute is the responsibility of DHS. The assigned agent shall participate in the development and approval of the conditional release plan, comment as to its appropriateness, and suggest modifications if necessary.

Upon a court order for release, the agent does not prepare a DOC-15, since release is only authorized by the court.

Direct Court Release

A direct release from the court to community supervision follows a finding by the court that the individual does not pose a significant risk of bodily harm to self, others, or of serious property damage and does not require locked institutional care.

Direct court release cases require DHS, with the County 51.42 Mental Health Board, to develop an appropriate release plan within 21 days of an order by the court. DHS has final responsibility for development of the plan.

An agent will be assigned immediately upon notification that an NGI offender has been granted a direct court release. The assigned agent shall participate in the development and approval of the plan, comment as to its appropriateness, and suggest modifications if necessary.

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Subject: NGI (Forensic) Offenders

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.05 INTAKE PROCEDURE

Conditional Release (Institute & Direct Court Release)

Conditional release cases are received directly from the court and/or the institute and are released under court order. DOC supervision begins immediately upon release. In the event of a Direct Court Release, the department shall commence supervision upon notification of the direct court release. Occasionally, the first notice will be when the NGI person reports to the DCC office. In those cases, the NGI agent should immediately inform the Forensic Program Specialist.

In most respects, the intake process is the same as the probation intake outlined in Section 03.01 of the DCC Operations Manual.

Court Order

The Order for Placement (CR-275) placing the NGI offender on conditional release directs the NGI offender to report to the DCC office. A copy of the Order of Commitment (CR-271) and the approved conditional release plan should be received from the court. If the order is not received, the agent should contact the Forensic Services Specialist.

Face Sheet

The agent shall complete the DOC-3 Face Sheet, including the scheduled discharge date. In the case of release from a DHS Institute, the agent should contact the registrar at the mental health institute to confirm or calculate the discharge date. In the case of a Direct Court Release, the court order must specify the length of commitment. The registrar at the mental health institute will calculate the discharge date based upon the CR-271.

Central Records Unit

After review, the court orders (CR-271 and CR-275) are copied and forwarded to CRU along with the completed DOC-3. The agent shall hand-write their agent number and the calculated discharge date at the top of the CR-271.

Case Classification

Conditional Release cases are initially supervised at the Enhanced Supervision level or greater. After 30 days, the case may be reclassified, if appropriate. However, the supervision level shall not be reduced below the Medium level without the concurrence of the Forensic Services Specialist.

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Chapter: Supervision

Subject: NGI (Forensic) Offenders

Date: 10/01/12 Page 4 of 8

.05 INTAKE PROCEDURE (continued)

Rules of Conditional Release

The agent will review and explain the DHS F-25614 CONDITIONAL RELEASE RULES AND CONDITIONS to the NGI offender. The DOC-10 is not used for NGI cases.

Agent Responsibilities During Intake

During the first 30 days, the assigned agent shall:

- Initiate case notes.
- Review case information received from DHS. If necessary, obtain additional information, including CIB/NCIC reports.
- Review criminal or commitment history to determine if the NGI client is required to register as a sex offender.
- Determine if the NGI client is required to provide a DNA specimen. If required, verify that the specimen has been collected or direct the NGI client to report to the sheriff to provide the DNA specimen.
- Obtain a photo of the NGI client.
- Review the Conditional Release Rules and obtain the NGI client's signature.
- Complete a COMPAS Core Assessment in accordance with the DCC Business Process (Appendix A).
- Explain the reporting requirements. Meet with the NGI client at least once each week.
- Conduct a home visit. The agent must make entry into the home or residential placement setting during the initial 30 day period.
- Meet with the NGI client and assigned case manager to initiate the case plan and establish goals, objectives, and expected actions.

Voting Privileges

NGI clients do not lose voting privileges while they are on conditional release.

Supervision Fees, Court Costs, and Restitution

NGI clients are not required to pay supervision fees, court costs, or restitution.

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Subject: NGI (Forensic) Offenders

Date: 11/01/09 Page 5 of 8

.06 NGI (FORENSIC) OFFENDER CASE FILES

The DHS is the records custodian for all case files on conditionally released offenders. Requests for information from, or access to, client case records shall be directed to the Forensic Services Program Manager.

Client case files for persons revoked and re-institutionalized while on conditional release will physically remain with the assigned agent.

Agents must forward NGI client case files to the Mendota Mental Health Institution, Admission's Office, for proper storage after the court has discharged the NGI offender and CRU has issued a T number.

.07 OUT-OF-STATE TRAVEL

Conditional release clients may not travel out of state. Neither the committing court, nor the agent, has authority to allow out-of-state travel (HFS 98). If a court directs the DCC to issue a travel permit, the agent should contact the Forensic Services Specialist.

.08 INTER-STATE COMPACT

Forensic clients are not eligible for out-of-state transfer of supervision under the Interstate Compact. If a forensic client has a more appropriate situation out-of-state, the client may petition the committing court for discharge.

.09 PURCHASE OF CLIENT GOODS AND SERVICES

Purchase of client goods and service funds are not to be expended on conditionally released clients. Funding for community services are the sole responsibility of DHS.

.10 APPREHENSION OF VIOLATORS

The appropriate authority for the apprehension and detention of a Conditional Release client is a capias issued by the committing court. If the agent believes the client has absconded, has violated the conditions of supervision, or is a threat to self or others, a Petition for Capias (F-25206) should be submitted to the releasing court. The agent should include the Order Granting Capias (F-25207) for the court's signature.

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Subject: NGI (Forensic) Offenders

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.10 APPREHENSION OF VIOLATORS (continued)

In an emergency, the agent may issue an Apprehension Request ([DOC-58](#)). Because NGI clients are not convicted, the [DOC-58](#) must be for local distribution only. Check "NO" in the extradition section of the [DOC-58](#). If the NGI client is not immediately apprehended, the agent must continue with a request for a capias. Once the capias is issued, the agent must cancel the [DOC-58](#).

If the NGI client is apprehended before the court has issued the capias, the [DOC-58](#) must be canceled immediately. The agent must arrange for delivery of an Order to Detain ([DOC-212](#)) to the jail where the client will be detained.

If the court grants the capias and the client is placed in custody, the capias serves as authority to hold the NGI client.

If a [DOC-58](#) has been issued and the court declines to grant the capias, the [DOC-58](#) must be canceled. The client will be continued on supervision.

.11 CUSTODY AND REVOCATION PROCEDURES

If the agent believes an NGI client has violated a rule or condition of release, or that the safety of the NGI client or others requires that conditional release be revoked, the agent may place the NGI client in custody.

72-Hour Notice to Court and Petition to Revoke

Whenever an NGI client is placed in custody, the agent must submit a STATEMENT OF PROBABLE CAUSE AND PETITION FOR REVOCATION OF CONDITIONAL RELEASE (F-25177) to the committing court and the regional office of the State Public Defender within 72 hours of the offender's custody, excluding Saturday, Sunday, or legal holidays. Copies should also be submitted to the District Attorney and DHS Forensic Services Specialist.

Hearing Date

Upon receipt of the F-25177, a revocation hearing must be scheduled, by the court, within 30 days of the date of detention.

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.11 CUSTODY AND REVOCATION PROCEDURES (continued)

Custody Pending Hearing

The assigned DCC agent, in consultation with the DHS Forensic Services Specialist, will determine where the client is to be detained pending the revocation hearing. In most cases, when revocation is pursued, the sheriff will transport the offender to the appropriate mental health institute, as directed by the court and as noted on the F-25177.

Revocation Hearing

When revocation is pursued, the normal DOC revocation process is not followed. The revocation hearing will be conducted by the committing court. The local district attorney is responsible for establishing clear and convincing evidence that the conditional release be revoked. The agent may be called to testify as to the reason(s) for the requested revocation.

Revocation Withdrawal

If revocation is not pursued, the agent withdraws the petition, advises the committing court of this decision, and returns the client to active supervision.

.12 CASE TERMINATION

Discharge

Conditional Release cases may only be terminated by order of the court. The agent should submit an Order of Discharge upon Expiration of Commitment (F-25180) to the releasing court at least 60 days prior to commitment expiration. In a cover memo, the agent, in consultation with the Forensic Services Specialist, shall address the appropriateness of the DHS or the appropriate county department under ss. 51.42 or 51.437 to proceed against the offender under ss. Chapter 51 or 55. Early discharge of NGI (forensic) clients is not allowed.

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.13 INTRA-STATE TRANSFER

Transfer Procedure

A client's request for transfer to another area within the state should be discussed with the DHS Forensic Specialist. Because treatment services are contracted differently in various parts of the state, the Forensic Specialist must assist in the coordination of those services where the client would transfer to.

Transfer to another area within the state will be completed as per Section 11.02 of the DCC Operations Manual. However, the sending agent will be responsible for completing a DOC-44 as one will not be prepared by CRU.

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Subject: Sex Crimes Cases
(Chapter 975)

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.01 AUTHORITY

Wisconsin Statute 975.09-10, WI Admin. Code 328.04(2R)
State ex rel. Terry v. Percy

.02 GENERAL STATEMENT

Prior to July 1, 1980, certain sex offenders were committed under Chapter 975. Upon commitment, these offenders are placed at an institution determined by the Department of Health Services (DHS) until released by action of the Special Review Board or reaching their Mandatory Release dates. DOC/DCC is the agency responsible for supervision of these offenders in the community until discharged by DHS. Mendota Mental Health Institution is designated as the reception center for any individual whose supervision under this chapter is revoked.

.03 GENERAL SUPERVISION

All Division of Community Corrections standards, procedures, and policies for supervision apply to these cases with the additional requirement of periodic examination (sometimes referred to as a "Terry Hearing") to determine the advisability of continued supervision.

.04 PERIODIC EXAMINATION

At least once in each year of supervision, DCC will conduct an examination to determine:

- whether the existing commitment order and disposition be continued or modified and, if so, in what respect; or
- whether there is sufficient reason to discharge the offender without danger to the public.

.05 EXAMINATION PROCEDURE

The Regional Chief may designate a person other than the supervising agent to serve as the coordinator and decision-maker for a periodic examination. The examination will include the decision-maker, the agent, the offender, and other interested parties called in by the agent or the offender. The offender may request the presence of an attorney, but the attorney is not allowed to participate in the proceedings.

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.05 EXAMINATION PROCEDURE (continued)

The offender will receive sufficient notice of the time and place of the examination from the agent via the DHS F-26000 Periodic Examination Notice. The offender may waive participation at this examination.

The clinical and NGI (forensic) services of the Division of Community Corrections and of the Department of Corrections may be utilized at the Department's discretion to participate in and facilitate the periodic examination, if this involvement is necessary.

At the examination, the offender will be given the opportunity to present oral or written statements or submit reports, documents, or letters relating to the examination.

File information available to the person conducting the examination can include, but is not limited to:

- Sentence or commitment data
- Present offense
- Prior criminal record
- Changes in motivation and behavior
- Personal and social history
- Institutional experience
- Community resources, including release or alternative plans
- Clinical evaluation(s)

The Department must show why the existing commitment order and disposition should be modified or continued. If the person conducting the examination believes that this burden cannot be met, a recommendation for discharge should be made.

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.05 EXAMINATION PROCEDURE (continued)

The individual conducting the examination must make one of the following decisions:

- the offender can be granted full liberty without danger to the public;
- the existing commitment order and disposition should be continued; or
- the existing commitment order and disposition should be modified.

Within 10 days of the examination, the person conducting the examination will complete and route DHS F26-001 Periodic Examination Decision. A copy of the DHS F26-001 is provided to the offender with a cover letter explaining the offender's right to appeal by requesting a Department review. The DHS F26-001 will state whether the existing commitment order and disposition will be continued or modified, how it will be modified, and will state the reasons for these decisions. If discharge is recommended, the decision must state the evidence used to conclude that the offender can be discharged without danger to the public.

A decision to continue or modify the existing order is made at the DCC Unit level. A recommendation for discharge is subject to the Early Discharge criteria in 06.33.03 and is submitted on the Recommendation for Administrative Action ([DOC-44](#)). It must also be accompanied by copies of the DHS F26-000 and F26-001 and forwarded through the Unit Supervisor and Regional Chief to:

- Assistant Administrator, DCC
- Forensic Services Supervisor,
DHS/Division of Mental Health and Substance
Abuse Services
PO Box 7851
1 W. Wilson Street
Room 850
Madison, WI 53707

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.06 DEPARTMENT REVIEW

Within 20 days of the periodic examination decision, the offender may petition the Secretary of the Department of Health Services with a letter requesting a review of the decision. The Secretary will review the files, records, documents, and papers presented to the examiner and the written decision of the examiner. The Secretary will provide a written final decision, with reasons for that decision, to the offender within 60 days of receipt of the petition for review, or the decision of the staff examiner will become the final decision of the Department.

.07 COURT REVIEW

If the offender's case has not been examined by the Department within a period of one year, the offender may petition the committing court for an order of discharge. This order is granted or refused at the discretion of the court. Any failure of the Department to meet the examination time frame guidelines does not entitle the offender to an automatic discharge from the Department's control by the committing court.

.08 LENGTH OF COMMITMENT

DHS shall discharge the offender as soon as, in that department's opinion, there is reasonable probability that the offender can be given full liberty without danger to the public.

In the event that DHS does not grant full liberty, the term of commitment expires:

- one year after commitment or;
- upon expiration of the maximum term prescribed by law for the offense for which the person was committed, whichever period of time is greater, unless DHS petitions for civil commitment under section 51.20 of the WI Statutes.

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Subject: Community Service

Date: 02/01/01 Page 1 of 3

.01 AUTHORITY

Wisconsin Statute 971.38(1), 971.38(2),
973.05(3)(a)(b)(c), 973.09(7m)(a), 102.07(14), 304.062,
973.10(1m)

.02 GENERAL STATEMENT

There are two ways that an offender can be ordered to perform community service, either court-ordered or department-ordered. Community service is performed in volunteer positions with non-profit, tax-exempt, community, or governmental agencies.

In no instance should power equipment be used by an offender who is under age 18.

Agents should keep track of placements, hours worked, work performance, and completion of the assignment.

Unsatisfactory performance by the offender may result in revocation, return to court for judicial review and possible amendment of the Court Order, or it may result in reassignment to another work site.

Convicted sex offenders shall not be placed as volunteers in any agency that puts them in contact with children.

An offender who performs uncompensated community work is an employee of the county in which the community service work is located. No compensation may be paid to that employee for temporary disability during the healing period if injured on the job. Under the terms of a CSO, the organization or agency, if acting in good faith, retains immunity from civil liability exceeding \$25,000.00.

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.03 COURT-ORDERED COMMUNITY SERVICE ORDERS

The community service orders program places criminal and traffic offenders in volunteer positions with non-profit, tax-exempt, community, or governmental agencies. Wisconsin statutes allow for a reduction in conditional jail time of 1 day for each 3 days of work performed based on an 8-hour work day.

When the court orders community service, it must be agreed to by the defendant and the organization or agency. The court shall ensure that the defendant is provided a written statement of the terms of the community service order and that the order is monitored.

In most communities, it will be the responsibility of the offender to contact the hiring agency to arrange a personal interview and to arrange working hours. Hiring agencies should report hours worked and any job-related problem to the agent as soon as such problems are evident.

In some communities it will be the agent's responsibility to secure work sites for offenders who are ordered to perform community service.

Community service hours are sometimes substituted for court-ordered financial obligations. In these cases, the agent must submit an amended court order ([DOC-37](#)) to the court for the judge's signature. The signed order shall be forwarded to the Cashier's Office.

.04 DEPARTMENT-ORDERED COMMUNITY SERVICE ORDERS

When an offender commits a violation of supervision, consideration for using community service as a sanction may be discussed.

If it is determined that community service is a viable option, the offender can be offered community service in lieu of jail time.

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.04 DEPARTMENT-ORDERED COMMUNITY SERVICE ORDERS (continued)

If the agent, supervisor, and offender agree that community service is a viable option, the offender must sign a Community Service Alternative to County Jail Agreement ([DOC-1660](#)). A copy of the signed agreement shall be given to the offender.

If the county in which the offender resides has a community service work program, the agent should refer the offender to this program by completing a Community Service Work Crew Referral ([DOC-1661](#)).

If the county does not have such a program, the agent should make a direct referral to a public agency or nonprofit charitable organization. Each DCC office shall identify specific agencies that are willing and capable of taking referrals for community service.

In addition to the Department's rules, the offender must agree to comply with any rules of the particular community service work program or any rules of the agency in which the offender is referred.

If an offender fails to complete the community service or violates the rules of the program, they may be detained and the violation investigated.

An accurate accounting of the days served, as well as any violations of a community service order, shall be entered in the case notes, as well as on the Violation Report ([DOC-5](#)). This record shall also include any noncompliance and subsequent detention.

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Subject: Electronic Monitoring
Program (EMP)

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.01 AUTHORITY

Administrative Code 328.04 (2) (k) and (o),
333.07 (1) (m), (n), (o), and (p)

.02 GENERAL STATEMENT

The Electronic Monitoring Program (EMP) is a tool to enhance the agents' ability to control offender movements. It involves placing a bracelet on an offender's ankle and a monitoring unit (an HMU) next to the telephone in the offender's residence. The monitoring unit is connected to the telephone line and has a sensor to pick up the location of the offender's bracelet within a certain radius.

The agent establishes a schedule for the offender to be in or out of the residence. The agent completes the Enrollment-Residence-Employment Information ([DOC-1362](#)), Electronic Monitoring Schedule Modification/Curfew ([DOC-1363](#)) and fills out an undated Apprehension Request ([DOC-58](#)) with "for EMP use" checked. These must be faxed to the monitoring center at least 8 hours prior to the hookup. If an emergency situation requires less than 8 hours notification, the supervisor must sign the enrollment form. Staff must ensure that the hookup has been successful prior to leaving the offenders residence. Offenders may need pre-authorization from their agent to be in a specific location when outside the residence. This is determined on a case-by-case basis and should be discussed with the supervisor.

The unit scans for the presence of the bracelet, that the bracelet is still in contact with the offender's skin, and that it has not been tampered with or gone out of range. If the bracelet is out of the monitoring unit's range, is tampered with, or is no longer in contact with the offender's skin, or if the battery is low, an alert will be transmitted by the monitoring unit to the DOC Monitoring Center who will notify the agent. During non-working hours, the Monitoring Center may contact the on-call supervisor or issue an Apprehension Request ([DOC-58](#)) or both.

Upon notification of the alert, DCC staff must immediately take action (i.e., phone call, home visit, etc.) to determine the cause of the alert. DCC staff must notify the monitoring center when they determine the cause of the alert. During non-business hours the Monitoring Center will also make an attempt to make phone contact with the offender's residence. The agent may issue an Apprehension Request at any time following an alert from a monitoring unit. The Monitoring Center may issue an Apprehension Request during non-business hours.

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.02 GENERAL STATEMENT (continued)

Agents may use a hand-held monitoring unit for scanning the presence of offenders in the field. The monitor will indicate the number of any EMP bracelet that is in range.

Remote alcohol sensors, which can detect alcohol usage, are also available on a limited basis from the monitoring center. Victim protection monitors can also be placed in a victim's home and will transmit an alert if the offender's bracelet is within a certain radius. The agent should check with their supervisor about these services.

.03 PRIORITIES

Use of EMP is appropriate in the following circumstances:

- as an alternative to custody:
 - ordered as a condition of probation (with court approval) or
 - during the revocation or violation investigation process (with supervisory approval);
- to enforce and monitor curfews, employment attendance, or chemical usage;
- as a formal alternative to revocation;
- for an enhanced level of protection of the victim or community

However, the equipment is issued in the following priority order:

- SBN or Chapter 980 offenders
- Assaultive Mandatory Release parolees
- Condition ordered by the Court for Extended Supervision
- Enhanced Supervision Offenders
- Other Sex Offenders
- Formal ATRs
- Regional Initiatives

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.04 PROCEDURES

In some cases, the use of EMP is mandatory and in others discretionary. The agent should staff cases with their supervisor to determine if placement on EMP is appropriate.

The regional EMP coordinator is responsible for EMP equipment control and accountability.

.05 COURT ORDERED CONDITIONS OF PROBATION

Court ordered conditions of probation are directed toward the offender. If electronic monitoring is ordered as a condition of probation, the agent will assist the offender in obtaining the service. If it is not available in the sentencing county, regional equipment may be used if available.

.06 FEES

Offenders (other than those serving Intensive Sanctions sentences) are not charged fees for Electronic Monitoring imposed by DOC. Offenders will be responsible for lost, stolen, or damaged equipment.

.07 PHONE SERVICE

Phone services on a monitored line must be limited to basic service without any added services such as call-waiting, call-forwarding, privacy manager, 800 block etc. The monitored line must not have an answering machine or internet hooked up to it.

If there is no phone service available in the offender's residence, Purchase of Service funds may be available to set up the phone line for monitoring purposes (see 06.10.15).

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.08 ABBREVIATIONS/DEFINITIONS

Listed below are the abbreviations and symbols used by the monitoring center on fax alerts.

Abbreviation: AG

Term: Agent

Definition: Refers to the agent of record for a specific offender

Abbreviation: AOD

Term: Agent of the day

Definition: Refers to the Unit's agent of the day (where used)

Abbreviation: AOR

Term: Agent of Record

Definition: Refers to the agent of record for a specific offender

Abbreviation: C/A

Term: Cover Agent

Definition: Refers to an agent covering for the assigned agent

Abbreviation: CBL

Term: HMU Battery Low

Definition: An electrical power failure has gone unresolved and the unit (HMU) is about to shut down. Upon shutting down, the offender will no longer be monitored until the situation is resolved.

Abbreviation: DNL

Term: Did Not Leave

Definition: The offender has not left his/her residence as scheduled.

Abbreviation: DNR

Term: Did Not Return

Definition: The offender has not returned to his/her residence as scheduled.

Abbreviation: MSG on MACH

Term: Message left on answering machine

Definition: A message was left on the agent's answering machine/voice mail.

Abbreviation: MC

Term: Monitoring Center

Definition: The electronic monitoring center in Madison.

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.08 ABBREVIATIONS/DEFINITIONS (continued)

Abbreviation: MCL
Term: Missed Call Late
Definition: The monitoring center has not received an expected call from the offenders unit (HMU). This is an indication that the JMU may be unplugged or disabled, or that the phone line may be interrupted. The offender's movements cannot be monitored until the phone connection is restored.

Abbreviation: NLV
Term: Need Location Verify
Definition: The location of the HMU cannot be verified, and may have been moved.

Abbreviation: OFDR
Term: Offender
Definition: Refers to the person on electronic monitoring

Abbreviation: PFA
Term: Power Failure AC
Definition: The electrical power to the HMU has failed. The power is either out to the outlet, or the cord is unplugged. If the HMU battery is fully charged, the unit will continue to run for 12 hours, however, once the battery is dead a low battery alert will be generated and monitoring will cease.

Abbreviation: PRA
Term: Power Restored AC
Definition: The electrical power to the HMU has been restored.

Abbreviation: PFT
Term: Power Fail Telephone
Definition: The phone cord has been disconnected, or the phone service is interrupted. During this time, the offender was not being monitored, although movements were being stored into memory. This alert will only be generated once the phone connection is re-established.

Abbreviation: PRT
Term: Power Restored Telephone
Definition: The telephone connection has been re-established.

Abbreviation: SD
Term: Secure Detention
Definition: Secure custody, such as a jail

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.08 ABBREVIATIONS/DEFINITIONS (continued)

Abbreviation: TEB
Term: Transmitter Error Battery
Definition: The battery in the transmitter is running low and must be replaced. If left unresolved, this may cause a false open strap/tamper alert.

Abbreviation: TFF
Term: Transmitter First Found
Definition: The monitoring center has received its first signal from the transmitter. This occurs during the initial hook-up process, or when the unit is being reset.

Abbreviation: THC
Term: Tamper HMU Case
Definition: The HMU may have been damaged or destroyed.

Abbreviation: TIR
Term: Transmitter in Range
Definition: The offender has returned from being out of the designated range of the unit.

Abbreviation: TOR
Term: Transmitter Out of Range
Definition: The offender has exceeded his/her designated range of the unit without scheduled leave time.

Abbreviation: TOS/TCS
Term: Transmitter Open Strap/Transmitter Close Strap
Definition: The transmitter, caps, or strap may have been removed or tampered with. The monitoring center cannot confirm that the transmitter is still attached to the offender and monitoring is not reliable. The transmitter strap and caps will have to be replaced.
NOTE: If a TCS alert is accompanied by the words "Good hook up" or "New unit hook up" this means that there has been a successful hookup. This will be noted in the detail section of the alert.

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.08 ABBREVIATIONS/DEFINITIONS (continued)

The following list of symbols is used in conjunction with offender's names to signify information:

Halfway House	^
Sobriety	& or >SBR<
Alternate Phone	# or (ALT#)
Enhanced Supervision Offender	!!!
Need App Request	NAP
JurisMonitor	!JURIS!
Not Guilty by Insanity	*NGI

.09 SYSTEM FAILURE

In the event of a system failure, which compromises the electronic monitoring centers' ability to process incoming calls and effectively monitor offenders on the system, field staff are required to respond according to specific emergency procedures.

Notification of an emergency situation during regular business hours will take place at the regional office. The regional office will then notify all field offices that the emergency monitoring plan is in effect. In the event that the emergency occurs outside of normal business hours, the monitoring center will notify the on-call supervisor who is to immediately notify the regional chief or designee. The Chief or designee will contact each unit supervisor.

.10 EMERGENCY PROCEDURES

<u>Time Down</u>	<u>Function</u>
60 minutes	A general notice is sent to the regional chief and field supervisors advising of the estimated length of time the system is expected to be down. Supervisors will advise staff to be prepared for contact from offenders unable to reach the monitoring center. DCC staff are to make every effort to ensure that offenders are <u>not</u> made aware of the system failure.
120 minutes	Agents are to verify offenders on electronic monitoring, and identify those who should be placed in custody until the system is restored.

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.10 EMERGENCY PROCEDURES (continued)

240 minutes

Regional emergency response plans are to be implemented.

Supervisors are to determine necessary staffing, and DCC staff are to prepare for manual monitoring of offenders. (see 06.42.11)

In areas where there is contract monitoring (e.g. TLP's, 980's) attempts should be made to elicit their assistance should manual monitoring be required. If appropriate, notification should be made to local law enforcement agencies.

Field staff will randomly verify offender compliance with home detention schedules or restrictions, and maintain logs of all contact. (see 06.42.11 for standards) Local law enforcement agencies and the Warrant section of the monitoring center shall be notified of any offenders in non-compliance with their schedule. Any unusual events should be communicated to the Regional Chief or designee immediately. Random manual monitoring will continue until the monitoring system is operational.

.11 CONTACT STANDARDS

During a monitoring center system failure, contact with the offender must be accomplished manually. Contact may be in person, by telephone contact with the offender, or by use of drive by scanners. The minimum requirements are as follows:

- Between the hours of 6:00am and midnight: one random contact every four hours.
- Between the hours of 12:01am and 6:00am, one random contact.

.12 MONITORING SYSTEM RESTORED

When the monitoring system is restored, field staff should be prepared to respond to any high priority alerts. Offenders placed in custody due to the system failure should be returned to their residence as appropriate.

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Community Corrections

Chapter: Supervision

Subject: Enhanced Supervision

Date: 12/15/10 Page 1 of 3

.01 AUTHORITY

Wisconsin Administrative Code DOC 328

.02 GENERAL

Enhanced Supervision is a classification requiring frequent offender and collateral contacts. Increased contacts are intended to improve the agent's ability to deter and detect further violations as well as to increase the offender's chance of success through intensive case management. Case planning must be updated to reflect objectives designed to reduce the likelihood of reoffense.

.03 OFFENDER POPULATIONS

The following offender populations are required to be classified at Enhanced Supervision upon release:

- Offenders who have been committed under Wis. Stat. 971.17.
- Challenge Incarceration Program (CIP) graduates (minimum of three months).
- Earned Release Program (ERP) graduates (minimum of ninety days).
- Act 28 offenders who are released early to extended supervision (minimum of six months or upon reaching the original release date, whichever is sooner). Note: Aged/Extraordinary Health Condition releases will be decided on a case-by-case basis.

The following offender populations may, with supervisory approval, be classified at the Enhanced Supervision level:

- Offenders with a significant history of diagnosed mental health problems that are noncompliant with treatment or medication or have not reached behavioral stability.
- Offenders who are serving a sentence for a violent felony and who are released on mandatory release.
- Offenders who are classified by the Division of Adult Institutions as having a maximum custody rating at the time of release. Note: Custody rating can be found in WICS in the Inmate Header under Custody on the left side of the screen under date of birth.
- Offenders who are involved in a treatment or specialty court where an enhanced level of contact is required.
- Offenders who are being supervised for multiple Operating While Intoxicated offenses.
- High profile offenses or an offender's historical behavior that merit Enhanced Supervision as determined by the regional chief or assistant regional chief.

Justification for classifying these cases as Enhanced Supervision shall be documented in the case notes.

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.03 OFFENDER POPULATIONS (continued)

Misdemeanor cases may be considered for this classification if any of the above criteria apply. However, it should be noted that most misdemeanor offenders are not appropriate for this classification.

Electronic monitoring is not a requirement of this classification, nor is electronic monitoring in and of itself a sufficient justification for reclassification to Enhanced Supervision. Halfway house placement is also not considered sufficient justification in and of itself for reclassification.

.04 CONTACT STANDARDS

Supervision standards for Enhanced Supervision cases are as follows:

1. Weekly face-to-face contacts.
2. Home visits every thirty days. The agent must enter the residence and have face-to-face contact with the offender or a collateral (counts as face-to-face contact if offender is present).
3. A minimum of two monthly collateral contacts (defined as first-hand information about the offender from a source other than the offender).

Any exceptions to these contact standards must have supervisory approval and may not be granted for workload reasons or for positive offender adjustment.

.05 TIMEFRAMES-APPROVALS AND RECLASSIFICATION PROCEDURE

With the exception of those offenders released early to extended supervision, these cases will be reclassified based on risk level after ninety days unless supervisory approval is granted to extend this period an additional ninety days. Following the additional ninety days, these cases will be reclassified based on risk level, unless regional office approval has been granted for an additional ninety day extension.

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.05 TIMEFRAMES-APPROVALS AND RECLASSIFICATION PROCEDURE (continued)

Unless otherwise required (i.e., Wis. Stat. 971.17 releases, CIP graduates, or early release to extended supervision), an offender may be reclassified to a lower level of supervision prior to the reclass date. The agent and supervisor must consider the following:

1. Residence;
2. Employment;
3. Treatment participation and adjustment;
4. Chemical usage;
5. Violations;
6. Gang affiliations.

.06 LAW ENFORCEMENT NOTIFICATION

Notification to law enforcement shall be made within 24 hours of release on all cases released early to Enhanced Supervision and on all offenders released with a DAI maximum custody rating.

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Chapter: Supervision

Subject: DNA Program

Date: 11/01/11 Page 1 of 3

.01 AUTHORITY

§165.76, Wisconsin Statutes
§165.765, Wisconsin Statutes
§304.137, Wisconsin Statutes
§973.046, Wisconsin Statutes
§973.047(1)(b), Wisconsin Statutes
§973.05(2), Wisconsin Statutes
§973.07, Wisconsin Statutes

.02 GENERAL STATEMENT

Offenders who are compelled by law to submit a biological specimen (DNA) shall be ordered to submit a DNA upon first contact with a Division of Community Corrections.

The following offenders shall be ordered to submit DNA samples:

- All persons convicted of a felony offense on or after January 1, 2000, who are sentenced, placed on probation, or accepted for supervision as a result of the provisions of the Interstate Compact.
- All persons convicted of 940.225(3m) Fourth Degree Sexual Assault; 944.20 Lewd and Lascivious Behavior; and 948.10 Exposing Genitals or Pubic Area to a Child on or after June 1, 2006.
- A person found Not Guilty by Reason of Mental Defect or Disease, of 1st, 2nd, or 3rd Degree Sexual Assault, or 1st or 2nd Degree Sexual Assault of a Child.

Intentional failure by an offender to comply with a requirement to submit a biological specimen under §165.76 Stats. is a Class A Misdemeanor.

.03 PROCEDURE

When DNA collection is required, it shall be a routine part of the intake process and shall occur at the offender's first contact with the Department. It shall be collected in conjunction with taking a photograph of the offender, whenever feasible. DNA need not be collected on qualifying offenders for whom there is verification of previous collection in Wisconsin.

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.03 PROCEDURE (continued)

- A. DCC will collect DNA specimens from offenders convicted in Wisconsin who meet all of the following criteria:
 - 1. Are required by state statute or court order to submit a DNA specimen to the Wisconsin State Crime Lab;
 - 2. Have been placed on probation as adults;
 - 3. Have not been sentenced to a county jail or HOC, nor confined as a condition of probation, at the time of sentencing.
- B. DCC will review every offender who is in Wisconsin pursuant to the Interstate Compact for Adult Offender Supervision and will collect DNA from offenders meeting the following requirements:
 - 1. The elements of the offense for which the offender was convicted or found guilty in the other state require the offender to submit a DNA specimen in Wisconsin; and
 - 2. The offender's case has been accepted for supervision in Wisconsin.
- C. DCC will refer offenders who are required to submit DNA but have not been assigned WI SID numbers to the Sheriff's Department for fingerprinting and assignment of WI SID numbers.
- D. DCC will assure that DNA has been collected, when required, prior to allowing an offender to leave Wisconsin pursuant to the Interstate Compact.
- E. DCC will verify collection of a DNA specimen from any offender who is required to submit DNA, prior to the offender's termination from supervision.
- F. DCC will require DNA from offenders who have a continuing obligation to submit a specimen due to a prior conviction, but for whom no DNA specimen is on file with the Wisconsin Crime Lab. An offender who refuses to submit DNA under this section is subject to discipline up to and including revocation.

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.04 AGENT RESPONSIBILITIES

1. The agent will verify DNA collection and receipt by the Wisconsin State Crime Lab by reviewing the Computerized Criminal History (CCH).
2. Non-compliance is a violation of supervision (and could result in an offender being placed in custody).
3. Ninety days prior to discharge for any offender required to submit DNA, the agent is required to review the file to ensure that DNA collection has occurred and, if not, collection must be completed prior to discharge.

.05 EXCLUSIONS

Current interpretation of the law excludes any group of persons not specifically indicated in the statute. This excludes any offender not ordered by the court or covered by statute.

Agents may not order offenders to submit a biological sample (DNA) into the State Crime Lab DNA data bank without statutory authority.

If the agent or supervisor feels it is necessary, and the offender qualifies under the statute, request may be made to the trial court for an order under the statutes for the offender to submit a biological sample.

.06 VIOLATIONS

Failure to submit to DNA testing, or failure to pay the DNA surcharge, are violations of supervision in that criminal penalties are provided for non-compliance. Violation reports are to be written and disposed of in accordance with standard procedures.
(Refer to Chapter 8).

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.01 AUTHORITY

§301.45; WI ACT 45

.02 GENERAL

If, on or after 12/25/93, an offender has been convicted of, adjudicated, or committed for a violation, solicitation, conspiracy, or attempt to commit any of the following crimes, that individual must register as a sex offender with the Sex Offender Registration Program.

940.225(1)	First Degree Sexual Assault
940.225(2)	Second Degree Sexual Assault
940.225(3)	Third Degree Sexual Assault
940.22(2)	Sexual Exploitation by a Therapist
944.01	Rape (old)
944.06	Incest (old)
944.10	Sexual Intercourse with a Child (old)
944.11	Indecent Behavior with a Child (old)
944.12	Enticing Child for Immoral Purposes (old)
948.02(1)	First Degree Sexual Assault of a Child
948.02(2)	Second Degree Sexual Assault of a Child
948.025	Repeated Acts of Sexual Assault
948.05	Sexual Exploitation of a Child
948.55	Forced Viewing of Sexual Activity
948.06	Incest with a Child
948.07	Child Enticement
948.08	Soliciting a Child for Prostitution
948.095	Sexual Assault of a Student by a School Instructional Staff Person
948.11(2) (a) or (am)	Exposing a Child to Harmful Materials (felony portion of statute only)
948.12	Possession of Child Pornography
948.13	Child Sex Offender Working with Children
948.30	Abduction of Another's Child
971.17	Not Guilty by Reason of Mental Disease or Defect (if commitment was for any of the above listed crimes)
975.06	Sex Crimes Law Commitment
980.01	Sexually Violent Person Commitment
940.30	False Imprisonment (Registration required only if the victim was under 18 and offender was not the victim's parent)
940.31	Kidnapping (victim was a minor and not offender's child)

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.02 GENERAL (continued)

The court may require a person to register with the Department if it is determined that the crime involved sexually-motivated behavior, and it would be in the best interest of public protection for any violation under:

Chapter 940	Crimes Against Life and Bodily Security
Chapter 944	Crimes Against Sexual Morality
Chapter 948	Crimes Against Children
971.17	Not Guilty by Reason of Mental Disease or Defect
943.01 through 943.15	Certain Crimes Against Property
942.08	Invasion of Property (AKA Peeping Tom)

- In general, offenders must register if they are on Interstate Compact Supervision and being supervised in Wisconsin for any comparable felony sexual assault or behavior.
- Any person who has been sentenced to Lifetime Supervision under WIS STATS 939.615 must register.

.03 AGENT RESPONSIBILITY

The agent shall inform the offender of the requirement to register with the Sex Offender Registration Program immediately following sentencing or release from an institution. Upon receipt of an Interstate Compact Case, the agent shall notify the offender of the registration requirements via the Interstate Compact procedures. The agent shall enter all information on the Sex Offender Registration Form (DOC-1759; DOC-1759a). The offender must sign this form and initial the back of the DOC-1759, Part 2, on the designated line, indicating understanding of the registration requirements. If the offender refuses to sign, the agent shall note "Refuses to Sign" in the registrant signature block and have a witness initial the form. (Refusal may constitute a violation of supervision).

The agent shall, upon completion of the form, provide the offender with the registrant copy containing the Notice of Requirements to Register on the reverse side. The agent shall make a copy of the DOC-1759a and place it in the offender file, along with the file copy of the DOC-1759. (The DOC-1759a is not to be given to the offender).

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.03 AGENT RESPONSIBILITY (continued)

Any time an offender changes residence, employment and/or school enrollment, that information must be recorded on the Offender Report Form (DOC-8), and a copy shall be sent to SORP. (Any of the above changes must be reported immediately). Registrants may not change their name or identify themselves by another name.

Periodically and randomly, offenders will be required to verify information with the registry. SORP will send the offender a verification letter, requiring a response within 10 calendar days. A copy of the letter is sent to the agent of record, who should monitor compliance. Providing false information to the registry or failing to respond to the verification letter is a violation of supervision and may be a violation of the law.

If an offender is sent to another state as an Interstate Compact transfer and is accepted in the receiving state, the offender must be informed of the requirement to register with the receiving state, as well as continue to register with SORP in Wisconsin.

Offenders are required to register with SORP ten days prior to discharge from supervision. The agent shall inform the offender that any further changes must be reported to SORP directly by calling 1-888-963-3363, and that failure to comply with registration laws is a criminal offense.

Agents should inform offenders that failure to comply with sex offender registration is a Class H Felony, for which they could be prosecuted.

Agents should check the Sex Offender Registry Active Supervision Noncompliance List on DOCNET weekly. If the offender appears on the list, the agent shall immediately attempt to locate that individual. If a home visit has been conducted within the previous 30 days and the offender was present in the home, a Sex Offender Registrant Information/Home Visit form (DOC-2287) should be faxed to (608) 240-3355 or e-mailed to bopadmin@doc.state.wi.us.

Attempts to bring the offender into compliance with the registry shall be documented on the Sex Offender Registration Non-Compliance Investigation Worksheet (DOC-2247) and forwarded via fax or as an e-mail attachment to the area Sex Offender Registration Specialist. (To access the non-compliance list, go to DOCNET, DOC Division, DCC, Recent DCC Documents, and click on SOR Active Supervision N/C).

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Subject: Sexually Violent Person
Law

Date: 07/30/04 Page 1 of 6

.01 AUTHORITY

Wisconsin Statute 980.01

.02 GENERAL STATEMENT

The Wisconsin Sexually Violent Person Law became effective June 2, 1994. The law creates a process for the indefinite civil commitment, for treatment purposes, of persons previously convicted, adjudicated, or committed for certain sexually violent or sexually motivated offenses.

The law applies to adults and juveniles convicted of or committed under the applicable statutes, which coincide with the applicable statutes under Chapter 975 offenders (see 06.40). The commitment process requires the cooperation of the Department of Corrections (DOC), the Department of Health and Family Services (DHFS), the Department of Justice (DOJ), County District Attorneys (DA), and the Courts.

The processes and special procedures described in this section are for general information only. Any agent who is going to supervise an offender involved in the Chapter 980 process should refer to the Sex Offender Supervision Handbook for particular supervision issues and agent responsibilities.

.03 CRITERIA FOR COMMITMENT

Commitment under this civil process requires that the state demonstrate beyond a reasonable doubt that all of the following three criteria apply:

1. The person has been convicted, adjudicated, or committed under 971.17 of a sexually violent or sexually motivated offense.

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.03 CRITERIA FOR COMMITMENT (continued)

2. The person has a mental disorder that predisposes him/her to engage in acts of sexual violence.
3. The person is dangerous because he/she suffers from a mental disorder that makes it likely that the person will engage in acts of sexual violence.

Factors demonstrating that a person is currently, or has in the past been, dangerous or that s/he presents a substantial risk to the community are, alone, insufficient to justify commitment. Factors supporting all three criteria must be present.

.04 COMMITMENT PROCESS

An inmate, juvenile, or patient who appears to meet the criteria listed above is referred to the Bureau of Health Services (BHS). The case is then forwarded by the BHS to the End of Confinement Review Board, who examines the offender's case history, including any input from the assigned field agent, to determine if the offender meets the criteria for Chapter 980 commitment. If the ECRB determines the offender does meet the criteria, the offender then undergoes a Special Purpose Evaluation by a specialized clinician to determine if the offender meets the mental health criteria necessary for commitment. If the SPE determines the offender meets the mental health criteria, the case is referred to the Department of Justice to initiate the court commitment proceedings. If the DOJ reviews the case and declines prosecution, the District Attorney from the county of conviction or commitment can choose to initiate court commitment proceedings.

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.04 COMMITMENT PROCESS (continued)

If the court finds that the offender meets all of the criteria, the offender is committed by the court for an indefinite period to a Department of Health and Family Services mental health institution. Within the first 6 months, and every 12 months thereafter, the DHFS must complete a periodic examination to determine if the offender has made sufficient progress to warrant discharge or supervised release. The DHFS sends a report of the periodic examination to the committing court, who conducts a review of the report and either grants the petition to release or orders continued institutional care.

.05 OFFENDER PETITION FOR SUPERVISED RELEASE

The offender may petition the court to authorize supervised release under the following conditions:

- At least 18 months have elapsed since the initial commitment order was issued.
- At least 6 months have elapsed since the most recent release petition was denied.
- At least 6 months have elapsed since the most recent order for supervised release was revoked.

The process for these petitions is the same as procedures described above under periodic examination.

.06 OFFENDER PETITION FOR DISCHARGE

The offender may also petition the court for discharge. If the court grants the offender's petition and the offender has an active criminal conviction case, custody is immediately transferred from DHFS to DOC. The court also has the option of modifying the commitment order to grant supervised release.

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.07 SPECIAL BULLETIN NOTIFICATION

Any offender whose case has been referred for a SPE, regardless of the recommendation by the evaluator, is identified for Special Bulletin Notification procedures, which must be completed prior to the offender's release from incarceration or commitment. These procedures include notifying city and county officials where the offender plans to reside.

.08 DHFS RESPONSIBILITIES FOR SUPERVISED RELEASE

If the court finds the offender appropriate for supervised release, the court notifies the DHFS. The DHFS and the county department from the offender's county of residence are then responsible for preparing a plan that identifies treatment and services to be received by the offender in the community. The plan addresses services as needed by the offender to include supervision, counseling, medication, community support services, residential services, vocational services, and alcohol or other drug abuse treatment. If the offender is a serious child sex offender, the plan will also address the offender's need for pharmacological treatment.

An order for supervised release places the offender in the custody and control of the DHFS. The DHFS is responsible to arrange for control, care, and treatment of the offender in the least-restrictive manner consistent with the offender's level of needs/risk and in accordance with the plan for supervised release approved by the court.

All offenders committed under Chapter 980 remain in the care and custody of the DHFS but are supervised under a contract by DOC.

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.08 DHFS RESPONSIBILITIES FOR SUPERVISED RELEASE (continued)

In some cases, offenders committed under Chapter 980 may also be on supervision as a result of a concurrent criminal conviction. In such cases, commitment policies and procedures will take precedence over processes for criminal convictions.

.09 DOC RESPONSIBILITIES FOR SUPERVISED RELEASE

Cases are supervised according to standards applied to other sex offenders. A special set of rules is required for Chapter 980 cases placed in the community on supervised release. The Supervised Release Rules (DCTF-5615) take the place of the Probation and Parole Rules ([DOC-10](#)) in these cases. Offenders with concurrent criminal convictions are also required to comply with Probation and Parole Rules ([DOC-10](#)).

Case management of Chapter 980 cases requires joint planning between DCC and DHFS. This is most important with regard to locating and funding appropriate residential placements and correctional programming/treatment. DOC Purchase of Goods and Services funds may not be used. Ongoing communication between the DCC agent and the DHFS supervised release specialist is critical in maintaining a team approach to the management of these cases.

Strategies for the day-to-day supervision and control of Chapter 980 cases are similar to those recommended for convicted sex offenders

The special procedures, responsibilities, and time-frame requirements for issuing apprehension requests and the revocation process are outlined in the Supervision of Sex Offenders Handbook.

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Law

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.09 DOC RESPONSIBILITIES FOR SUPERVISED RELEASE (continued)

Offenders being supervised under Chapter 980 may not travel out of state.

The case file is physically kept and maintained by the supervising DOC agent. However, any requests for records or information contained in the file can only be granted by the DHFS.

Division of
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Chapter: Supervision

Subject: Undocumented Persons

Date: 08/08/07 Page 1 of 2

.01 GENERAL STATEMENT

It is the responsibility of Division of Community Corrections staff to work cooperatively with the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE) in regards to undocumented offenders who are either on supervision in the community, in custody on an ICE detainer, or deported.

.02 DEPORTEES/ICE HOLDS

If an agent becomes aware that an offender is being released to an ICE detainer, the agent should have the offender sign amended rules to include the following:

- 1) Not enter or be in the United States without proper documentation of lawful presence;
- 2) Report to probation/parole agent within 72 hours of entry, legal or illegal, into the United States;
- 3) Report any changes in immigration status to probation/parole agent within 72 hours; and
- 4) Contact probation/parole agent within 24 hours of release from ICE custody within the United States.

Once an offender has been released to an ICE detainer, the agent should obtain a copy of the jail/institution release form verifying the release to ICE. The agent should complete a Request for Notification on Criminal Alien Prior to Release from Custody ([DOC-2367](#)) to be forwarded to ICE. Upon the offender being taken into ICE custody, the supervision level should be reduced to Administrative where it remains upon subsequent deportation.

As part of the case plan, the agent should contact ICE every six months until a notice of deportation is received to confirm that the offender has either been deported or is still in custody. Status should be documented in the case plan. Upon verification by ICE of deportation, the agent should notify the sentencing court and the victim/witness coordinator in writing. This notification should indicate the court case number, offense, statute, discharge date, the fact that the offender has been deported and is no longer under supervision, as well as indicating that supervision will resume if DOC becomes aware of the offender's return to the United States prior to the discharge date.

Undocumented persons are often released from ICE custody pending further action. If this occurs and the undocumented person appears to report, supervision is resumed by the agent as with any other offender.

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.03 NON-COMPLIANT SEX OFFENDER REGISTRANTS

Sex offender registrants who have been deported or are being held by ICE are still required to maintain compliance with the Sex Offender Registry Program (SORP). Failure to maintain compliance is a violation and an apprehension and subsequent stop time may be issued for those offenders. The agent and supervisor should staff the case prior to the discharge date to discuss appropriate case action.

.04 UNDOCUMENTED OFFENDER NOT BEING DEPORTED

If ICE determines that the offender is undocumented, but does not plan to deport, the offender should be supervised as with any other offender.

Division of
Probation and Parole

Chapter: Supervision

Subject: Operating While
Intoxicated - 2nd and 3rd

Date: 12/01/12 Page 1 of 1

.01 AUTHORITY

2009 Wisconsin ACT 100
Administrative Directive 10-04

.02 GENERAL

Persons who have committed a 2nd and/or 3rd OWI on or after July 1, 2010, are subject to increased penalties including, but not limited to, probation supervision. A specialized supervision model has been developed for offenders who have been assessed with a higher risk of reoffense.

.03 SUPERVISION TRACKS

OWI 2/3 Track A offenders will be classified at the Maximum Supervision level for at least the first six months of supervision. Standards of supervision include:

- Use of Transdermal Alcohol Device (TAD) during the first six months of supervision. If an offender's behavior as described in the criminal complaint is for operating under the influence of drugs, and the offender does not have a history of alcohol abuse, use of TAD may be waived by the regional chief.
- IID is required by law for duration of probation supervision.
- Focus of case planning shall be completion of Driver's Safety Plan.
- AODA issues are educational in nature.
- After first six months of supervision, completion of the risk/needs scale will determine appropriate supervision level.

OWI 2/3 Track B offenders will be classified at the Enhanced Supervision level for at least the first 90 days of supervision. Standards of supervision to include:

- Use of EMP and/or Sobrieter during intake and following ninety days of supervision.
- Frequent contacts with treatment providers regarding compliance with treatment plan.
- Ignition Interlock Device (IID) required by law for duration of probation supervision.
- Enhanced Supervision level can be extended for additional 90 days with supervisory approval.
- AODA assessment/Driver's Safety Plan indicates a definite need for intensive outpatient or residential treatment.

